

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 6 AUGUST 2024

**NEW APPLICATION – RESIDENTIAL CARAVAN SITE
BARRY DOWNS RESIDENTIAL CARAVAN PARK, BARRY**

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT

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

2. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICIES

2.1 ECONOMY

- An inclusive and sustainable economy.

PEOPLE

- We will work collaboratively for and with our citizens to keep them safe in resilient communities.

PLACE

- Safe, secure, vibrant and sustainable communities.

3. RECOMMENDATIONS

It is recommended that the Committee consider and determine an application for a 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 grant the application;
- (ii) to grant the application subject to the Model Standards for Residential Mobile Home Site Licences produced by the Scottish Government and any additional conditions;
- (iii) to determine that the Committee is considering refusing the application; 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)

4. BACKGROUND

- 4.1 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") requiring operators wishing to have residential accommodation on a site to apply for a licence. One change implemented in particular was the requirement that applicants for residential site licences must be considered fit and proper persons to be granted a site licence.
- 4.2 An application has been received for a residential caravan site licence from Lamberton Management Limited in respect of the Barrydowns Caravan Park, Barry, Carnoustie. This site was issued a licence for 61 touring caravans at this Committee's meeting on 15 February 2024 (report 32/24 refers). The maximum number of caravans proposed to be stationed at any one time for the purposes of residential use is 253. A copy of the application and site plan of the Park is attached as **APPENDIX 1** to this report.
- 4.3 The Environmental Health, Consumer Protection, Building Standards, Housing and Development Standards Services of the Council were consulted on the application. Comments have been received from all consultees and are detailed in **APPENDIX 2** to this report.

5. LEGAL IMPLICATIONS

- 5.1 Part 1A of the Caravan Sites of Control of Development Act 1960 regulates the licensing of caravan sites with permanent residents. Section 32D of the 1960 Act provides that a local authority may issue a Part 1A site licence if—
- (a) the applicant is, when the Part 1A site licence is issued, entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order, and
 - (b) the authority is satisfied—
 - (i) that the applicant is a fit and proper person to hold a site licence;
 - (ii) in the case where an applicant 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.
- 5.2 Section 32D of the 1960 Act provides that before refusing to issue or renew a Part 1A site licence, 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).

- 5.3 Section 5(1) of the 1960 Act provides, that a site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large. In additions, section 5(6) of the 1960 Act provides that the Scottish Ministers may from time to time specify for the purposes of this section model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standards so specified. The Scottish Ministers issued Model Standards in relation to Mobile Home Sites with Permanent Residents in December 2018. This document can be found at:

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/12/model-standards-residential-mobile-home-site-licences/documents/00543527-pdf/00543527-pdf/govscot%3Adocument/00543527.pdf>

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications for the Council arising from this report.

7. RISK MANAGEMENT

- 7.1 There are no risks to the Council arising from this Report.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 There are no direct environmental implications for the Council arising from the recommendations of this Report.

9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

- 9.1 In dealing with the application, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors.

10. NOTIFICATION

- 10.1 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.

REPORT AUTHOR: Stuart McQueen, Team Leader – Legal Team 1

EMAIL DETAILS: LEGDEM@angus.gov.uk

ANGUS COUNCILCARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960FIRST APPLICATION FOR A RELEVANT PERMANENT CARAVAN
SITE LICENCE

<p>1. Full name of Applicant/s (including maiden name and any other names used, if applicable)</p> <p>If the Applicant is a Company or a Charity, provide the full name of the most senior person in the management structure</p> <p>Company/Charity registration number</p>	<p>Lamberton Mangement Ltd 36 Hope Street Douglas Isle of Man</p> <p>Mr Robert Griffin</p> <p>016320V</p>
<p>2. For those individuals named in (1) All postal addresses for the last 5 years</p> <p>Date of Birth</p> <p>Telephone Number/Mobile Number</p> <p>E-mail Address</p>	<p>July 2023 to present [REDACTED]</p> <p>August 2015 to July 2023 [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>3. Specify the address for the land in respect of which the application is made</p>	<p>Barrydowns Park Carnoustie Angus DD7 7SA</p>
<p>4. State the Applicant's interest in the land (e.g. owner or tenant) and give particulars of lease or tenancy (if any)</p>	<p>Owner</p>
<p>5. Provide the name, location and a description of the site for which the site licence is required</p> <p>Please use a separate sheet or plan, if required</p>	<p>Barrydowns Park Carnoustie Angus DD7 7SA</p> <p>Caravan park currently licenced for 293 static caravans and 61 touring caravans</p>
<p>6. Provide the correspondence address in relation to management of the site</p> <p>Telephone number/E-mail address</p>	<p>Barrydowns Park Carnoustie, Angus, DD7 7SA</p> <p>01382 535 386 / info@barrydowns.co.uk</p>

<p>7. Specify the full name of the person or persons appointed to manage the site(including maiden name and any other names used, if applicable)</p> <p>If the Site Manager is a Company or a Charity, provide the full name of the individual who is to be directly concerned with the management of the site on behalf of that Site Manager.</p>	<p>Mr Andrew Young Junior</p> <p>N/A</p>
<p>8. For those individuals named in (7) All postal addresses for the last 5 years</p> <p>Date of Birth</p> <p>Telephone Number/Mobile Number</p> <p>E-mail Address</p>	<p>Barrydowns Park Carnoustie Angus DD7 7SA</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>info@barrydowns.co.uk</p>

FOR OFFICE USE ONLY

Date, Amount and Receipt Number	Date Passed to Consultees	Date Observations Received	
		<p>Police.....</p> <p>Planning.....</p>	
Date of Decision	Decision	Expiry Date	Licence Number and Date of Issue

9.	Has the Applicant/s held a site licence which has been revoked at any time in the last three years?	No
10.	State the maximum number of caravans proposed to be stationed at any one time for the purposes of residential use	253
11.	Has planning permission for the site been obtained from the planning authority?	Yes Ref. 16/00428/CLU and 19/00907/CLU
12.	<p>Provide a layout plan of the site to a scale approved by the local authority showing the boundaries of the site, the positions of caravan standings and (where appropriate):-</p> <ul style="list-style-type: none"> - Roads and footpaths (showing in particular the form/construction of any new access to the site) - Toilet blocks showing sanitary facilities, wash hand basins, baths, showers and laundry facilities - Stores and other buildings - Foul and surface water drainage - Water supply - Recreation space - Fire precautions - Car parking space - Planting of trees and bushes for amenity purposes - Site lighting 	<p>See accompanying plan Drawing No. 6229-Site Licence-01</p>

14. State below whether the Applicant/s, the most senior person in the management structure for the Applicant, the person/s appointed to manage the site and/or the individual directly concerned with the management of the site if a Company or Charity, has an unspent conviction in respect of:

1. fraud or other dishonesty, involving violence, involving drugs, involving firearms or a sexual offence within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995
2. practising unlawful discrimination on the grounds of any of the protected characteristics in Part 2 of the Equality Act 2010
3. a contravention of any provision of the law relating to caravans, the law relating to housing, landlord and tenant law
4. having committed a breach of an agreement to which the Mobile Homes Act 1983 applies
5. a contravention of a direction made under section 37 of the Gas Act 1986 (maximum prices for reselling gas)
6. a contravention of a direction under section 44 of the Electricity Act 1989 (maximum prices for reselling electricity)
7. a contravention of a charges scheme made under 29A of the Water Industry (Scotland) Act 2002 (charges scheme) as it applied to the person by virtue of section 30(1) of that Act (maximum charges for services provided with help of Scottish Water)
8. engaging in antisocial behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004
9. breaching the conditions of a site licence issued under Part 1 or Part 1A of this Act

(continue on separate sheet if necessary):-

Date	Court		Sentence/Fine
		None	

15. State below whether the Applicant/s, the most senior person in the management structure for the Applicant, the person/s appointed to manage the site and/or the individual directly concerned with the management of the site if a Company or Charity, has any other unspent convictions not referred to in question 14.

(continue on separate sheet if necessary):-

Date	Court		Sentence/Fine
		None	

In terms of considering whether or not the Applicant/s, the most senior person in the management structure for the Applicant, the person appointed to manage the site or the individual directly concerned with the management of the site if a Company or Charity, is a fit and proper person, consideration may also be given to the following:

1. material relating to the failure by a person to provide information which that person is required to give to the local authority in accordance with Part 1A of the Caravan Sites and Control of Development Act 1960
2. material relating to a complaint made by a person of which the local authority is aware about antisocial behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 on the relevant permanent site
3. material of which the local authority is aware as a result of any other function carried out by the authority to be relevant to the question of whether the person is a fit and proper person

DECLARATIONS:-

1. Angus Council is under a duty to protect the public funds it administers. As a result, the information you have provided or the information provided about you by a third party will be passed to the Council's Revenues and Benefits Service to check whether you have outstanding debts with the Council in relation to such matters as Council tax and non-domestic rates. The Council may also share information about you with other Departments of the Council and with other bodies auditing or administering public funds for the prevention of crime and the detection of fraud, such as Government departments and other local authorities.

The information you have provided on this Application form, and from supporting documentary evidence where applicable, will be used by Angus council (the "data controller") for the purposes of the General Data Protection Regulation and the Data Protection Act 2018 in order to process your application.

In order to process your application, we will share your information in accordance with the Caravan Sites and Control of Development Act 1960, other licensing legislation and with relevant internal services of Angus Council.

The Council may also check information provided by you, or information about you provided by a third party such as NHS Tayside, Scottish Fire and Rescue Service, Scottish Ambulance Service and Police Scotland with other information held by us. We may also get information from those third parties or share your information with them in order to check its accuracy, prevent or detect crime, protect public funds or where required by law.

Please note that you should read this service specific Privacy Notice in conjunction with the Council's Full Privacy Statement which is accessible on the Council's website at:

https://www.angus.gov.uk/council_and_democracy/council_information/information_governance/angus_council_full_privacy

Data Protection Act 2018

The information on this form may be held on an Electronic Register which may be available to members of the public on request.

PLEASE NOTE – IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

- Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b)

I understand that Angus Council are permitted to accept applications in relation to this licence by means of electronic communication. Applications, objections, representations or notifications can be sent to the Council by email to LawLicensing@angus.gov.uk

I permit Angus Council to give notice and provide reasons in relation to granting, refusing, renewing, changing, altering, varying, suspending and revoking the licence by means of email. I authorise the email address provided by me on this application to be used for this purpose.

2. I declare that the particulars given by me on this form are correct to the best of my knowledge and belief. I authorise the use of all information which I have provided

for the above purposes. I hereby make application to Angus Council for the licence applied for,

Date... 3/04/2024

26/04.2024

Signature of Applicant/s..

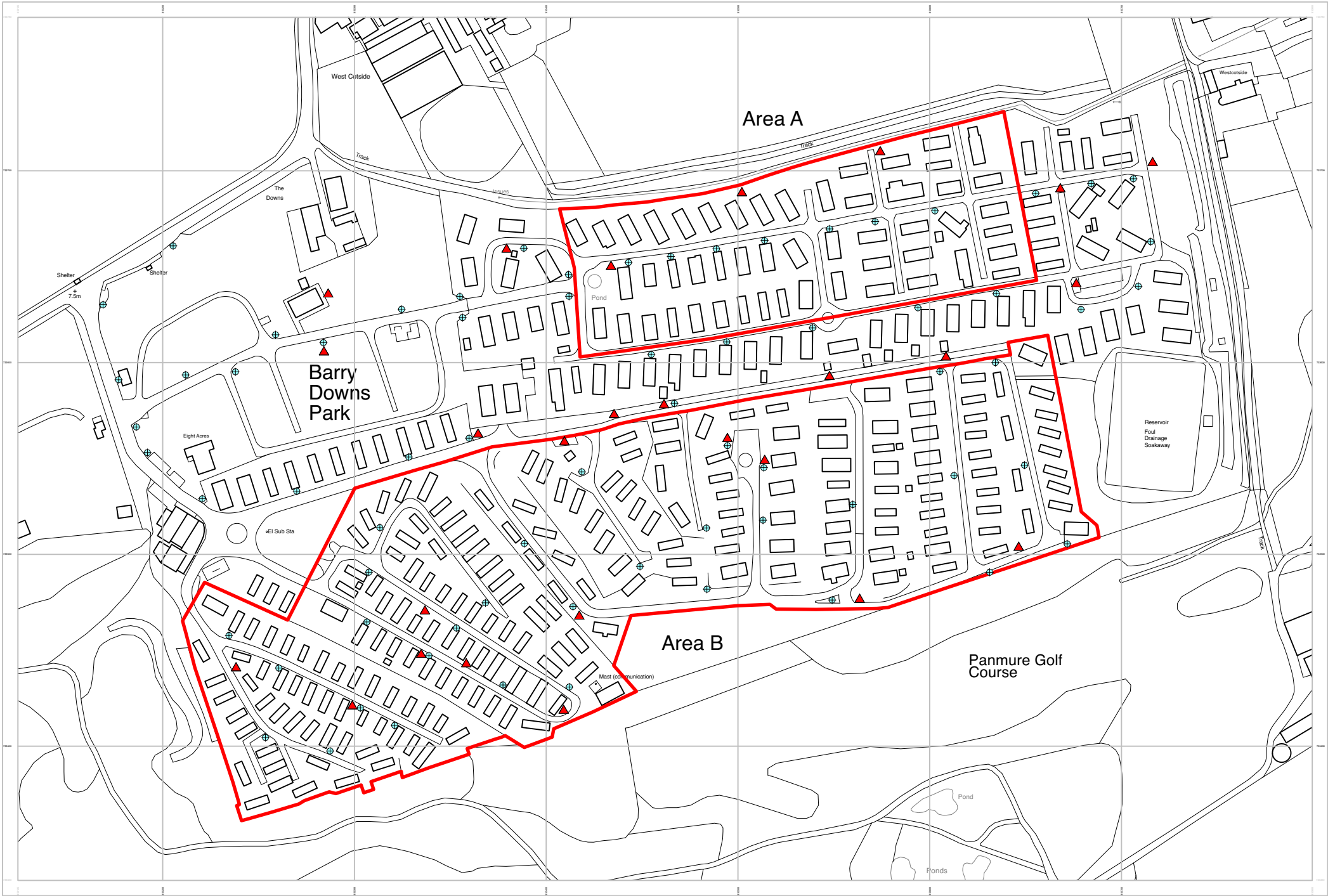
Andrew Young Jr
Site manager

R E Griffin
Director

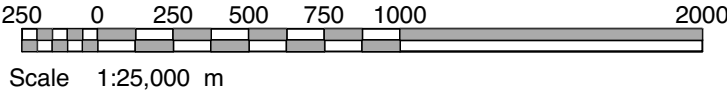
NOTES

1. To be lodged with the Service Leader- Legal and Democratic Services, Angus Council, Forfar together with the appropriate lodging fee. The application will not be processed without payment of the appropriate fee.
2. Any person who in, or in connection with, the making of this application makes any statement which they know to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

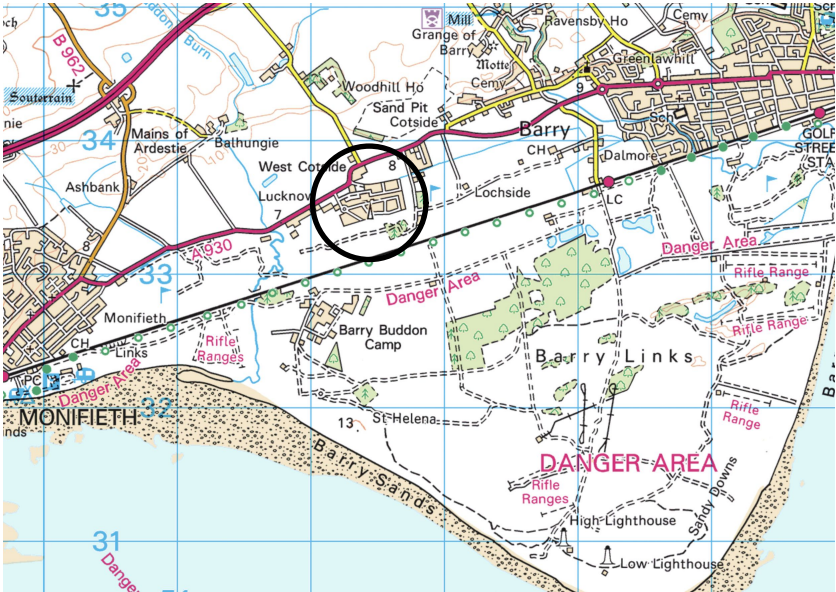
1. This drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose without obtaining prior consent of Montgomery Forgan Associates.
2. The contractor and his subcontractors/suppliers are to verify all dimensions and levels on site prior to commencing on site/manufacture of goods/materials.
3. The contractor is to bring to the notice of the architect any discrepancies contained in this drawing prior to work commencing. Where relevant, this drawing is to be read in conjunction with all relevant design drawings and specifications.



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LICENCE NO. AR100007107



▲ Fire Point
⊕ Site Lighting



Site Identification Plan
(Not to Scale)

A	Site lighting & fire points added.	21/02/2024
Rev	Description	Date

MFA
ARCHITECTS & TOWN PLANNERS

Project
Residential Caravan Site Licence
Barrydowns Park,
Carnoustie,
Angus
DD7 7SA

Drawing
Location Plan

Date
14/02/2024

Status
Planning

Drawing Number
6229-Site Licence-01

Revision
A

Scale
1:2500

Sheet Size
ISO A3

Drawn
MM

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**APPENDIX 2 TO REPORT 208/24
SPECIAL CIVIC LICENSING COMMITTEE – 6 AUGUST 2024**

COMMENTS FROM ENVIRONMENTAL HEALTH AND CONSUMER PROTECTION RECEIVED ON 16 JULY 2024

I have spoken again with applicant and can now confirm that all the points raised during my inspection are resolved or are in the process of being actioned except one:

The applicant confirmed that they do not have plans/drawings for the services onsite (inc. drainage, drinking water and electricity). This is something that will appear as a condition on their licence.

COMMENTS FROM HOUSING RECEIVED ON 16 JULY 2024

The only comments we have to offer is that this may contribute to available stock for those who chose this as an option.

COMMENTS FROM BUILDING STANDARDS RECEIVED ON 25 JUNE 2024

With regards the above and attached application Building Standards comment as follows:

Building Warrant Application reference 09/00014/Alt for new drainage installation was applied for and subsequently granted on the 29 July 2011. Changes were made to the outfall from the foul water drains and it was advised an 'Amendment to Warrant' would be required which was also subsequently applied for but never granted and the building warrant application has since expired. Therefore, the current drainage system serving areas A and B on the submitted site layout plan currently do not have a Completion Certificate acceptance. On receipt of this caravan site license, we have since made contact with the Applicant who appears to be committed to complete the process and we shall support them to do so.

COMMENTS FROM DEVELOPMENT STANDARDS RECEIVED 28 JUNE 2024

Having looked at the extensive site history for this caravan park, I am comfortable that the number of caravans for which a licence is sought benefit from certificates of lawfulness under permissions 16/00428/CLU and 19/00907/CLU. I therefore confirm that the Planning Service have no objections to the licence application.