

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 6 AUGUST 2024

**APPLICATION TO TRANSFER A RESIDENTIAL CARAVAN SITE LICENCE
NURSERY PARK CARAVAN SITE, BRECHIN, DD9 7ET**

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. 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.

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 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)

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") 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.

4.2 An application has been received to transfer a caravan site licence from Mr Ian McIntosh to Mr Michael Delaney in respect of Nursery Park Caravan Site, Brechin, DD9 7ET. This site is licensed for 14 residential caravans. A copy of the transfer application is attached at **APPENDIX 1**.

4.3 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 all consultees and are detailed in **APPENDIX 2** to this report.

5. LEGAL IMPLICATIONS

5.1 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 a 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.

5.2 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).

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

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

APPENDIX 1

ANGUS COUNCIL

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

APPLICATION FOR TRANSFER OF A RELEVANT PERMANENT CARAVAN SITE LICENCE

Supplementary information from Transferee March 2024	Michael Delaney
2. Full name of the Transferee/s (including maiden name and any other names used, if applicable) If the Transferee is a Company or a Charity, provide the full name of the most senior person in the management structure Company/Charity registration number	Michael Anthony Delaney
3. For those individuals named in (2) All postal addresses for the last 5 years Telephone Number/Mobile Number [REDACTED] E-mail address [REDACTED]	<p>Poplar Farm Nursery lane caravan park Brechin Horne Rd Sep 24 to Dec 7 again Denham April to now 1P21 SDN - Address in Ireland April - 2023 to Sep 2023 148 elm park clonmel 19 Baylis Ave From Dec 7 to April 28 Port Jefferson NY 11777 March 2016 to March 2023</p>
5. Provide the name, location and description of the site for which the site licence is required Please use a separate sheet or plan, if required	Nursery Lane Caravan Park Nursery Lane Brechin. DD9 7EY

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

<p>1. Full name of the Applicant/s (the current licence holder)</p> <p>Telephone Number</p>	<p>IAN M'INTOSH</p> <p>[REDACTED]</p>
<p>2. Full name of the Transferee/s (including maiden name and any other names used, if applicable)</p> <p>If the Transferee 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>MICHAEL DELANAY</p>
<p>3. For those individuals named in (2) All postal addresses for the last 5 years</p> <p>Telephone Number/Mobile Number</p> <p>E-mail address</p>	
<p>4. Specify the address of the land in respect of which the application is made</p>	<p>NURSERY PARK CARAVAN SITE BRÉCHIN DD9 7ET</p>
<p>5. Provide the name, location and description of the site for which the site licence is required</p> <p>Please use a separate sheet or plan, if required</p>	<p>AS ABOVE</p>

<p>6. Provide the correspondence address for the transferee in relation to management of the site</p> <p>Telephone number/E-mail address</p>	<p>The House Nursery Lane Coravan Rd Nursery Lane Brechin DD9 7BY</p> <p>[REDACTED] [REDACTED]</p>
<p>7. Specify the full name of the person or persons appointed/to be appointed by the transferee to manage the site (including maiden name and any other names used, if applicable)</p> <p>If the Appointed 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 the Appointed Manager.</p>	<p>Michael Delany</p>
<p>8. For those individuals named in (7) All postal addresses for the last 5 years</p> <p>Date of Birth [REDACTED]</p> <p>Telephone Number/Mobile Number [REDACTED]</p> <p>E-mail Address [REDACTED]</p>	<p>Same as previous -</p>

FOR OFFICE USE ONLY

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

<p>6. Provide the correspondence address for the transferee in relation to management of the site</p> <p>Telephone number/E-mail address</p>	
<p>7. Specify the full name of the person or persons appointed/to be appointed by the transferee to manage the site(including maiden name and any other names used, if applicable)</p> <p>If the Appointed 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 the Appointed Manager.</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>	

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 Transferee held a site licence which has been revoked at any time in the last three years?	YES/NO
10. Has planning permission for the site been obtained from the planning authority?	YES/NO

11. State below whether the Transferee/s, most senior person in the management structure, the Appointed Manager and/or the individual who is to be directly concerned with the management of the site on behalf of the Appointed Manager, 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):-

<p>9. Has the Transferee held a site licence which has been revoked at any time in the last three years?</p>	<p>YES/NO</p> <p>LICENCE NO. AC/06/2019</p>
<p>10. Has planning permission for the site been obtained from the planning authority?</p>	<p>YES/NO</p>
<p>11. State below whether the Transferee/s, most senior person in the management structure, the Appointed Manager and/or the individual who is to be directly concerned with the management of the site on behalf of the Appointed Manager, has an unspent conviction in respect of:</p> <ol style="list-style-type: none"> 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 <p>(continue on separate sheet if necessary):-</p>	

Date	Court		Sentence/Fine

12. State below whether the Transferee/s, most senior person in the management structure, the Appointed Manager and/or the individual who is to be directly concerned with the management of the site on behalf of the Appointed Manager, has any other unspent convictions not referred to in question 14.

(continue on separate sheet if necessary):-

Date	Court		Sentence/Fine

In terms of considering whether the Appointed Manager and/or the individual who is to be directly concerned with the management of the site on behalf of the Appointed Manager, is a fit

Date	Court		Sentence/Fine
No convictions			

12. State below whether the Transferee/s, most senior person in the management structure, the Appointed Manager and/or the individual who is to be directly concerned with the management of the site on behalf of the Appointed Manager, has any other unspent convictions not referred to in question 14.

(continue on separate sheet if necessary):-

Date	Court		Sentence/Fine

In terms of considering whether or not the transferee/s, most senior person in the management structure, the Appointed Manager and/or the individual who is to be directly concerned with the management of the site on behalf of the Appointed Manager, 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

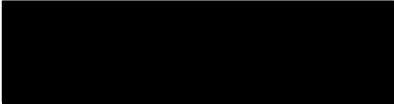
- Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b)

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 transfer of the licence applied for.

Date 12-03-2024

Signature of Applicant/s. 

NOTES

1. To be lodged with the Licensing Team, Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AN or by emailing LAWLicensing@angus.gov.uk 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 £1,000.

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)

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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 transfer of the licence applied for.

Date 4 Jun 2024

Signature of Applicant/

NOTES

1. To be lodged with the Licensing Team, Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AN or by emailing LAWLicensing@angus.gov.uk 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 £1,000.

**APPENDIX 2 TO REPORT 210/24
SPECIAL CIVIC LICENSING COMMITTEE – 6 AUGUST 2024**

COMMENTS FROM ENVIRONMENTAL HEALTH AND CONSUMER PROTECTION RECEIVED ON 4 JULY 2024

Environmental Health did receive a complaint and visited the site in relation to the burning of waste materials at the caravan park, but no site inspection was undertaken at this time to verify compliance with any site licence conditions currently in place. In respect of the transfer application, I do not think there is anything further I would have cause to comment on.

COMMENTS FROM HOUSING RECEIVED ON 16 JULY 2024

We would have no objections to this transfer.

COMMENTS FROM BUILDING STANDARDS RECEIVED ON 25 JUNE 2024

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

There appears to be an additional caravan stance being installed at the premises. Where this stance includes wastewater drainage, Building Warrant consent is required for the wastewater drainage. Therefore, a 'Late Application for Building Warrant' is required to be submitted by the Applicant and works should cease on site until this is applied for and granted.

COMMENTS FROM DEVELOPMENT STANDARDS RECEIVED 25 JULY 2024

No objections.