

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Public Protection
DATE	11 th March 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Residential Caravan site Licensing Renewal
REPORT NUMBER	CORS/25/034
EXECUTIVE DIRECTOR	Andy MacDonald
CHIEF OFFICER	Vikki Cuthbert
REPORT AUTHOR	Hazel Stevenson
TERMS OF REFERENCE	2

1. PURPOSE OF REPORT

- 1.1 At the Council meeting on 17 April 2024, it was agreed to instruct the Interim Chief Officer - Governance to report back to the Licensing Committee outlining additional site licence conditions as necessary and required, as a result of residential caravan site licence renewal inspections. However it was felt that the report fell under the Terms of Reference for this Committee rather than Licensing Committee.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Notes the work carried out by Environmental Health officers regarding the renewal of the site licenses of seven residential caravan sites within Aberdeen City;
- 2.2 Notes that these seven residential caravan sites have successfully had their licenses renewed for the next five years; and
- 2.3 Notes the additional site license conditions in the renewed licenses.

3. CURRENT SITUATION

- 3.1 Following amendments to the Caravan Sites and Control of Development Act 1960 ("the Act") by the Housing (Scotland) Act 2014, a new system for licensing and controlling permanent residential sites was introduced by the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 ("the Regulations"). The key measures of the new system:

- provide local authorities with a range of powers, and appropriate discretion in deciding how to use them, in relation to the granting, management, and revocation of licences;
- introduce a 5 year licensing period;
- introduce the requirement that a site licence holder (and anyone directly managing the site) is a fit and proper person.
- provide an effective process for site owners and site licence applicants to appeal against any decisions by the authority.

3.2 Any site owner who had a licence in terms of the Act had until 1 May 2019 to apply for and obtain a new site licence otherwise the site would no longer be licensed. This new regime was a significant change from the previous scheme where there was no requirement for licence renewal. Under the previous scheme, once a licence was granted there were limited powers for local authorities to address any failures to comply with site licence conditions, except through reporting the matter to the Procurator Fiscal. The new provisions require the owner of a site to apply for a renewal of the licence every 5 years. These new provisions will additionally provide local authorities with more options to enable the resolution of any breaches in site licence conditions through a range of enforcement powers. November 2024 was when the majority of sites within Aberdeen City required to apply for renewal of license.

Licensing Application and Renewal

- 3.3 The process for considering new applications for site licences, and any subsequent licence renewal, transfer or revocation, are set out in the Act, the Regulations, and accompanying guidance issued by the Scottish Government. A key element is the introduction of a Fit and Proper Person Test. The purpose of the test is to ensure that the person holding the site licence and the person managing the site (if they are not the same person) is an appropriate person to do so. The Act sets out the fit and proper person test considerations.
- 3.4 The determination of any application or renewal is to be made by Environmental Health Officers working within the Protective Services team of Governance. Determinations will remain objective and will consider information and evidence from other appropriate enforcement bodies and interested parties. Any recommendation to refuse an application or renewal will be reported to the Licensing Committee for consideration and determination. Applicants have the right to appeal to the sheriff against a local authority's decision to refuse to grant or renew a licence. The Act states local authorities can charge a fee for handling new licences and renewals.
- 3.5 There were eight residential caravan sites within Aberdeen City that had a license which was issued under the new regime in 2019/2020. The majority of these sites were due to apply for renewal of license from November 2024 onwards. Seven of these sites applied for renewal of site license, with one site having an expired license but no longer in operation. On site inspections were carried out on all sites by officers from Environmental Health and all sites have successfully had their license renewed for the next five years.

License Conditions

- 3.6 Appendix 1 shows an example of the licensing conditions which are included in the site licences . The site owner and/or manager should ensure these are adhered to. Condition numbers 56 and 57 are in addition to the conditions previously issued. It was felt necessary and proportionate to add these to ensure the residents were being issued with the relevant written statements. This is a condition that is included in most other Local Authority site licenses in Scotland.

Conclusion

- 3.7 Over a period of three months from November 2024, officers from Environmental Health visited the seven residential caravan sites that applied for renewal of license, and found the conditions and all necessary documentation to be suitable to allow the renewal of license to be issued. Two additional conditions has also been added to the site license.

4. FINANCIAL IMPLICATIONS

- 4.1 There are provisions in the Act and associated guidance to allow local authorities to charge a fee for the handling of a first site licence application, and for a licence renewal.

5. LEGAL IMPLICATIONS

- 5.1 Statutory duties and powers for local authorities to licence permanent caravan sites are prescribed in the Act and the Regulations.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no environmental implications.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			
Compliance	The Caravan Sites and Control of Development Act 1960	Officers will follow this process for determining licences. Enforcement action would only be considered when	L	Yes

	states that local authorities will determine applications for site licences and the Act provides a process for local authorities to manage any non - compliance with site licence conditions	informal action has failed to address concerns and in liaison with legal services.		
Operational	Competency of staff to inspect caravan sites and process licensing regime.	Staff are trained on the legislation and guidance. Procedures within national guidance and Model Standards will be followed when processing applications for renewals.	L	Yes
Financial	Cost of carrying out renewal inspections and issuing license	the Regulations and guidance allows for Local authorities to charge fees to cover costs it reasonably expects to occur in relation to the criteria set out in Regulation 6 of the Regulations which includes, but is not limited to, carrying out a single inspection of a site in connection with an application, including the cost of travelling to and from a site and drafting, revising and finalising a licence.	L	Yes
Reputational	Failure to implement the licensing regime could result in	Procedures and guidance for carrying out the license inspection are in line	L	Yes

	reputational damage	with national guidance and legislation.		
Environment / Climate	N/A			

8. OUTCOMES

<u>Council Delivery Plan 2024</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals within this report support the delivery of the economic strategy by creating a prosperous city delivering a licensing programme that assists stimulate sustainable economic development in the residential caravan sites business sector. :
<u>Local Outcome Improvement Plan 2016-2026</u>	
Prosperous People Stretch Outcomes	The licensing scheme will protect the health, safety and living conditions of the public living in permanent mobile homes sites
Prosperous Place Stretch Outcomes	The licensing scheme supports the continued provision of residential caravan sites in Aberdeen City

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with Vikki Cuthbert, Interim Chief Officer - Governance (Assurance) on 6/2/2025
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

11.1 Appendix 1 License Conditions

12. REPORT AUTHOR CONTACT DETAILS

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