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Council Building
2 High Street
Perth
PH1 5PH

2 July 2019

A Meeting of the **Licensing Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 11 July 2019** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

KAREN REID
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Members:

Councillor Chris Ahern (Convener)
Councillor David Illingworth (Vice-Convener)
Councillor Kathleen Baird
Councillor Bob Brawn
Councillor Rhona Brock
Councillor Audrey Coates
Councillor Ian James
Councillor Anne Jarvis
Councillor Andrew Parrott
Councillor John Rebbeck
Councillor Fiona Sarwar
Councillor Richard Watters
Councillor Mike Williamson

Licensing Committee

Thursday, 11 July 2019

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE LICENSING COMMITTEE OF 16 MAY 2019 FOR APPROVAL AND SIGNATURE** **5 - 6**
(copy herewith)
- 4 NOTIFICATION OF PUBLIC PROCESSION - 18 AUGUST 2019** **7 - 32**
Report by Head of Legal and Governance Services (copy herewith 19/202)
- 5 NEW LICENSING REQUIREMENTS FOR MOBILE HOME SITES WITH PERMANENT RESIDENTS** **33 - 58**
Report by Depute Director (Housing and Environment) (copy herewith 19/203)

IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

- P1 RENEWAL OF TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE - TD1520**
- P2 RENEWAL OF GRANT OF STREET TRADER LICENCE - ST382**
- P3 RENEWAL OF A SECOND HAND DEALERS LICENCE - SD456**

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
16 MAY 2019

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in Room 410, Fourth Floor, Council Building, 2 High Street, Perth on Thursday 16 May 2019 at 10.00am.

Present: Councillors C Ahern (Convener), K Baird, D Illingworth, J Rebbeck, F Sarwar and M Williamson.

In Attendance: PC K Chalmers and Sgt R MacDonald (both Police Scotland); M McLaren, S Michie and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors B Brawn, R Brock, A Coates, I James, A Jarvis, A Parrott and R Watters.

Councillor C Ahern (Convener), Presiding.

266. WELCOME AND APOLOGIES

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

267. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

268. MINUTES

The Minute of Meeting of the Licensing Committee of 11 April 2019 was submitted and approved as a correct record.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

269. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE (1 YEAR) – TD1866

There was submitted a report by the Head of Legal and Governance Services (19/151) together with a letter of objection dated 8 April 2019 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1866.

The applicant was in attendance and was accompanied by his employer.

The representatives of Police Scotland addressed the Committee and answered Members' questions. The applicant and his employer also addressed the Committee and answered Members' questions.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
16 MAY 2019

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence No. TD1866 be granted for a period of 1 year with effect from 16 May 2019, subject to the applicant reappearing before Committee when the application is up for renewal.

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DRAFT

**PERTH AND KINROSS COUNCIL**

**Licensing Committee – 11 July 2019**

**NOTIFICATION OF PUBLIC PROCESSION – 18 AUGUST 2019**

**Report by Head of Legal and Governance Services (Report No. 19/202)**

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name and Address:</b>       | David Walters<br>Col Cleland Memorial District No 65<br>2 McCormack Place<br>Perth<br>PH1 2UH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Reason for Report:</b>      | <p>The procession is proposed to take place in Dunkeld on Sunday 18 August 2019 at 1pm. It is estimated approximately 70 people will take part.</p> <p>We have received 5 objections to the notification. 4 from members of the public as noted below and 1 anonymous objection as noted below.</p> <p>List of attachments:-</p> <ul style="list-style-type: none"> <li>(1) Objection from Mr J Ferguson dated 4 June 2019.</li> <li>(2) Objection from Mr J Irvine dated 4 June 2019.</li> <li>(3) Objection from A Irvine dated 11 June 2019.</li> <li>(4) Objection from J Gilruth dated 15 June 2019.</li> <li>(5) Anonymous objection 2 dated 20 June 2019.</li> <li>(6) The Notice of a Proposed Public Procession</li> <li>(7) Risk Assessment – Proposed Public Procession</li> <li>(8) Email dated 24 June 2019 from TES Roads Network Management confirming no TTRO requested from applicant</li> <li>(9) Email response from Police Scotland dated 29 May 2019.</li> <li>(10) Public Procession Conditions and</li> <li>(11) Public Processions Code of Conduct</li> </ul> |
| <b>Background Information:</b> | <p>The Committee has three possible courses of action open to it in determining the notification in terms of the Civic Government (Scotland) Act 1982, Section 63.</p> <p><u>Option 1</u> – Accept the Notification as received.</p> <p><u>Option 2</u> – Accept the Notification and make an Order imposing Conditions such as those set out in attachment</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>10 to this report and any other conditions that the Committee considers appropriate. The conditions include provision for timing, route, compliance with Police instructions, litter disposal, marshalling and stewarding arrangements. A Code of Conduct (see attachment 8) detailing what is expected of organisers and participants can also be issued although this does not form part of the conditions of the Order. 9) Obtaining a TTRO for the event.</p> <p><u>Option 3</u> – Reject the Notification and make an Order prohibiting the holding of the procession.</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Contact Officer: D G Merchant – Ext 75159**



**Nicola Storrar**

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**From:** John Ferguson [REDACTED]  
**Sent:** 04 June 2019 20:23  
**To:** Civic Licensing - Generic Email Account  
**Subject:** Orange Order March- Dunkeld 18th August.

**APPENDIX 1**

I would like to formally object to any further permission being granted to Orange Order marches to celebrate the Battle of Dunkeld. This battle nearly destroyed the village of Dunkeld. It is no less than an expression of sectarian hatred and division in a village where the various Christian communities live in cooperative peace. Holding the march in our village implies an endorsement by this community where none exists.

Yours sincerely,

John Ferguson.

John Ferguson  
[REDACTED]

4



**From:** james irvine [REDACTED]  
**Sent:** 04 June 2019 22:53  
**To:** Civic Licensing - Generic Email Account  
**Subject:** Objection to planned march in Dunkeld 18.8.19

Dear members of the licensing committee,

I am writing to object in the strongest possible terms to the proposed Colonel Cleland Memorial March scheduled to pass through Dunkeld on the 18th of August.

Whilst this March may be under the auspices of a commemoration of the Battle of Dunkeld, having witnessed the march last summer to all extents and purposes it is an Orange Order March.

Last year I would estimate 100-120 members of various Orange Orders based as far as I could ascertain from west central Scotland were bussed in to Dunkeld before marching down the high street. Virtually every Walker was regaled in full Orange Order Sashes. Not only did this close the road to traffic as well as requiring additional policing manpower the parade subjected locals and visitors alike to the unedifying spectacle of an overtly sectarian (anti Catholic) organisation lawfully marching down a rural Perthshire high street. The Battle of Dunkeld of course had huge significance and was an important part of Scotland's history but surely there are better ways to mark it than this?

<http://www.bandparades.co.uk/event/colonel-cleland-memorial-district-lol-no-65>

I'd draw your attention to the above link which is dripping in the type of loyalist regalia you would expect to see in Northern Ireland. Dunkeld is a modern forward looking village which shouldn't be blighted by this bigoted organisation. The recent events in Glasgow where a catholic priest was spat on by hangers-on of a similar march should serve as warning enough that these events should not be allowed here. I'd also note that I would certainly have written in to protest had I been aware in advance of last year's march.

I know it caused considerable upset across all sections of society. Currently Dunkeld enjoys very good interfaith relations and a march like the proposed walk in August should not be allowed to sully this.

I would expect that i will not be alone in objecting to this.

Many thanks for taking the time to read this objection.

Yours faithfully,  
James Irvine  
[REDACTED]





**From:** Email [REDACTED]  
**Sent:** 11 June 2019 08:55  
**To:** Civic Licensing - Generic Email Account  
**Subject:** Objection to March in Dunkeld 18th August

**APPENDIX 3**

I am writing to state my objection to this so called church parade - which is not supported by any local churches .

Originally this low key remembrance act was undertaken by old members of the Cameronian Regiment and as such caused little or no offence to others . However it appears to have been hijacked primarily by outsiders who are bused in and is growing in numbers . It bears no relation to the original Remembrance Service and is now rapidly becoming a symbol of divisive Orange Order politics . As such it is increasingly offensive and likely to cause disorder and disagreement in the street . I for one will be showing my disapproval . This 'march' is not taking place in the name of the community .

Yours sincerely

Alison Irvine .

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## APPENDIX 4

**Objection to Application to stage a Parade/March through Dunkeld on 18 August**

I wish to lodge an objection to the holding of this March through the streets of Dunkeld. My objection has three related elements - historical, religious and cultural.

Historically, the Orange Order did not come into existence until 1798, according to a publication produced to celebrate its bicentenary - more than one hundred years after the Battle of Dunkeld, in 1689. Similarly, this March has only come into existence within the last 10 years. A regular service to mark the battle and the stand made by Colonel Cleland and his men, has taken place within the Cathedral for considerably longer. The few remaining members of the Cameronian regiment attend this service and lay a wreath at Colonel Cleland's grave at its end. This service has enjoyed the support of the whole community. It is a simple service which commemorates the victory, but also the losses on both sides.

By contrast, the March now convened under the auspices of the Orange Order presents as a conspicuous celebration of Orangeism, with Orange regalia on display and few participants recognisable as citizens of Dunkeld. The Committee might wish to acquaint themselves with the views of those remaining members of the Cameronian regiment on the appropriateness of this March/Parade. Of the many citizens of Dunkeld with whom I have discussed the Orange March, I have yet to find one who supports it

The religious element of this objection concerns the narrow, exclusive outlook of the Orange Order when contrasted with that of Dunkeld's three churches. I would refer the Committee to the following excerpts from that same publication produced to mark the bicentenary of the Orange Order :

1. "...he should strenuously oppose the fatal errors and doctrines of the Church of Rome, and scrupulously avoid countenancing ( by his presence or otherwise)any act or ceremony of Popish worship.."
2. "Thus a Unitarian, Mormon, Spiritualist or Atheist can no more be an Orangeman than can a Papist."
3. " We will not be travelling backwards with any ecumenical bandwagon into superstition and idolatry (sic)."

Contrast this with Dunkeld's three churches - Roman Catholic, Scottish Episcopalian and Church of Scotland - and their shared approach to fund raising, supporting each others' events and occasional shared services. This is an ecumenical church community with an ecumenical outlook on life - the antithesis of the views propounded above.

Culturally, Dunkeld is a town where religious and ethnic difference are of little consequence and where political difference does not divide. The religious differences of 1689 have been left there. Tolerance and cooperation are now her watchwords. Could the same be said of the Orange Order ?

The right to March should be balanced against the right of this community not to have regalia associated with such extreme views paraded through her town.

Yours sincerely ,

John Gilruth, [REDACTED]





**Nicola Storrar****APPENDIX 5**

**From:** [REDACTED]  
**Sent:** 20 June 2019 15:14  
**To:** Civic Licensing - Generic Email Account  
**Subject:** Objection to Proposed Colonel Cleland Memorial March in Dunkeld - Sunday 18th August 2019

Dear Sir / Madam,

I wish to object to this march taking place in my home town of Dunkeld. This walk to my knowledge has taken place over the past few years under the guise of the Colonel Cleland Memorial March when it is none other than an Orange March, which I feel promotes bad feeling, bigotry and sectarianism. My village is a multi-denominational community where the all the churches unite in many community spirited events and this march which takes place by a bigoted group from outwith Perthshire only insights bigotry, sectarianism and reflects badly on us the residents and the village as a whole to tourists and visitors who come to Dunkeld year after year from all over the world. The marchers wear their full orange regalia and in my opinion are using the Colonel Cleland Memorial as an excuse to display their bigotry in being allowed to march so publicly within our village. It is just not acceptable in today's society.

I would like to point out I have no objection to them visiting the village to commemorate the anniversary of The Battle of Dunkeld and Colonel Cleland's memorial whereby The Cameronians I understand lay a wreath each year at Col. Cleland's grave within the grounds of Dunkeld Cathedral. I myself am very proud of the historical links Dunkeld has with many historical events over the years such as Beatrix Potter, Charles McIntosh, Niel Gow etc. but to use the Battle of Dunkeld to promote bigotry and sectarianism by these Orange Lodge groups, who I believe hail from the West Coast, is unacceptable and should be stopped.

I have in the past written to our local councillors with regards this matter, but to no avail and hope my objection will be taken into consideration. (I understand today is the closing date for any objections)

Await hearing from you in due course.

Yours faithfully

[REDACTED]



## APPENDIX 6



**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
PART V – PUBLIC PROCESSIONS**

**POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006  
PART 2 – PUBLIC ORDER**

**NOTICE OF A PROPOSED PUBLIC PROCESSION**

This form should be completed by the organiser of the event and submitted to us **at least 28 days before** the date of the proposed procession. The organiser should also complete and return the Risk Assessment Form attached to this application. If your event is less than 28 days away and you have not submitted this form to us, you should contact the person named on this form as soon as possible in order to discuss whether you will be able to apply for an exemption to the required 28 day notice period. Please note that we are only able to grant an exemption in exceptional circumstances, such as the event is being organised in reaction to a recent event or announcement.

You should read the attached code of conduct and fill in all sections of the form:

- send the completed form to the address at the bottom; and
- keep a copy for yourself.

We will give a copy of your notification to the Tayside Police.

If you require any assistance with completing the form, please contact us. Not completing all relevant sections of the form may delay or prevent us from considering your notification.

**Organiser's Contact Details**

Name: David Walters

Address: 2 McCormack Place Perth

Postcode: ph1 2uh

Phone number: [REDACTED] Email address: [REDACTED]

**Chief Steward's Contact Details**

Name: David Curr

Address: 21 Chestnut Place Perth

Postcode: ph1 1ey

Phone number: [REDACTED] Email address: N/A

**Procession Details**

Name of Organisation or Band: Col Cleland Memorial District No 65

Date and Start Time of Procession: marshal up 1pm move off 1.15pm SUNDAY 18th AUGUST 2019

Reason for Procession: annual Battle of Dunkeld commemoration

Proposed Route: HIGHLAND GAMES PARK, A923, DUNKELD BRIDGE

BRIDGE STREET HIGH STREET, CATHEDRAL ST

CATHEDRAL STREET, FINISH AT CATHEDRAL GATES

Number of people expected to take part: .....approx 70.....

Please provide details of the arrangements for controlling the event:

.....Trained Marshals.....

.....(Please continue on a separate sheet if necessary)

Number of stewards: as per Rule.....

Number of vehicles: .....N/A.....

Do you intend to use a Perth and Kinross Council car park during this event? Yes/No no

Names of any bands and the names of each band member who will be taking responsibility for the bands. The named band members must be present on the day and must identify themselves to the police.

Band A: .....Lone Piper.....

Name of Responsible Person: .....Kevin Smith.....

Band B: .....

Name of Responsible Person: .....

Band C: .....

Name of Responsible Person: .....

(Please fill in on a separate sheet if necessary)

Is this a sponsored event? Yes/No If yes, give details .....NO.....

Is this an annual event? Yes/No Yes

Please provide any extra information about the procession which you think may be relevant:

I, the organiser, have read your code of conduct and agree to keep to its standard conditions.

Your signature: .....

Date: 12.11.19

**Send Completed form, together with completed Risk Assessment Form, to:**

Chief Executives – Legal Services  
Perth and Kinross Council  
2 High Street  
PERTH PH1 5PH  
Tel. (01738) 475000  
Email. [civiclicensing@pkc.gov.uk](mailto:civiclicensing@pkc.gov.uk)  
[www.pkc.gov.uk](http://www.pkc.gov.uk)



CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
PART V – PUBLIC PROCESSIONS

POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006  
PART 2 – PUBLIC ORDER

# RISK ASSESSMENT – PROPOSED PUBLIC PROCESSION

## Section One

Name: David McGregor

Address: 204b Crieff Road Perth

Postcode: ph1 2pe

Phone number: [REDACTED] Email address: [REDACTED]

Date of Procession: Sunday 18th August 2019 Time of Procession: 1.15pm

Proposed Route: HIGHLAND GAMES PARK, A923  
DUNKELD BRIDGE, HIGH STREET, CATHEDRAL STREET  
FINISH AT CATHEDRAL GATES, CONVENTICLE 2PM

(Please continue on a separate sheet if necessary)

## Section Two

This section sets out the main areas of the risk assessment. You should provide as many supporting comments as you can.

|                                                                              |     |
|------------------------------------------------------------------------------|-----|
| Is the date of your procession particularly significant to the organisation? | YES |
| Has your organisation marched along the same route before?                   | YES |

**Section Two (cont.)**

|                                                                                                                                                                                      |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Are there enough trained stewards to control the numbers of marchers expected?                                                                                                       | YES |
| Have there been any difficulties or tensions in the recent past with holding this procession?                                                                                        | NO  |
| Please assess the level of risk there may be to public safety. (Please also say whether the risk is low, medium or high)                                                             | LOW |
| Please assess any risk to public order. (Please also say whether the risk is low, medium or high)                                                                                    | LOW |
| Please assess the risk of damage to property. (Please also say whether the risk is low, medium or high)                                                                              | LOW |
| Please assess the risk of disruption to local business, the community or shoppers and traffic from holding the procession. (Please also say whether the risk is low, medium or high) | LOW |
| Taking account of all the information in this table, what is your opinion of the overall risk of holding the procession? Is it low, medium or high?                                  | LOW |



### Section Three

This section details other information which you should consider as part of a general assessment of the procession. You should assess the following.

|                                                                                                                                                         |                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| At the end of the march, what are your arrangements for getting marchers to go home?                                                                    | COACHES                   |
| Are you organising any other social events at the end of the march?<br>(Please give details of what these are.)<br>And will you need a police presence? | YES ' BRITISH LEGION CLUB |
| Is the proposed route shown on your notification as a route that your organisation commonly uses?                                                       | YES                       |
| Have you taken out insurance to help cover for any risks arising from the procession?                                                                   | YES                       |
| What is your assessment of the risks to marchers if the route passes through communities which may be against the march?                                | NO                        |
| Do you have enough security in place for any coaches and other vehicles used by the marchers?                                                           | YES                       |
| Have you considered the policing and attendance costs for holding the procession?                                                                       | NO                        |
| Have you assessed what other priorities there may be in the area on the day of the march?                                                               | NO                        |
| Have you considered the effect on the community as a whole if the march went ahead?                                                                     | NO                        |
| Could you combine this procession with other similar events in the area? If not, why not?                                                               | NO                        |

## Section Four

### Final Assessment

If the local authority is holding a meeting, I would like to raise the following points about this risk assessment.

>  
>  
>  
>  
>

Please provide any other supporting comments.

## Section Five

### Declaration

I have assessed the risks associated with holding the above procession.

I will come to any meeting which may be needed.

Signature of the person carrying out the risk assessment: ..... [REDACTED] .....

Name in BLOCK CAPITALS: ..... DAVID MCGREGOR .....

Relevant qualifications of the person carrying out the risk assessment:

..... CSCS No 01884014 .....

Signature of organiser [REDACTED] .....

(You only need to fill in this part of the form if you are not the person who carried out the risk assessment.)

Name in BLOCK CAPITALS: ..... DAVID WALTERS .....

Date: ..... 21.11.18 .....

### Send Completed form to:

Committee Services

Chief Executive's Service

Perth and Kinross Council

2 High Street

PERTH PH1 5PH

Tel. (01738) 475000

Email. [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk)

[www.pkc.gov.uk](http://www.pkc.gov.uk)

We will make sure that a copy of your assessment is sent to Tayside Police.



**Nicola Storrar**

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**From:** TES Roads Network Management - Generic Email Account  
**Sent:** 24 June 2019 10:17  
**To:** Civic Licensing - Generic Email Account  
**Subject:** RE: Public Procession 18.08.2019 - Annual Battle of Dunkeld Commemoration

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

No TTRO application from the applicant



**Nicola Storrar**

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**From:** Iain Taylor [REDACTED]  
**Sent:** 29 May 2019 12:38  
**To:** Civic Licensing - Generic Email Account  
**Subject:** PPA Battle of Dunkeld 180819  
**Attachments:** 18.08.19 - NOTICE OF A PROPOSED PUBLIC PROCESSION.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

No police objections provided TTRO is in place. Iain Taylor [REDACTED]



**PERTH AND KINROSS COUNCIL****CIVIC GOVERNMENT (SCOTLAND) ACT 1982****PART V – PUBLIC PROCESSIONS****CONDITIONS**

- (1) The procession must commence at \*\*\*\* as stated in the foregoing Order.
- (2) The procession must keep to the route stated in the foregoing Order.
- (3) The Police will give instructions about the width of the carriageway which may be utilised by the participants. These instructions will vary in accordance with the particular type of carriageway, and these instructions must be obeyed.
- (4) Organisers and participants shall comply at all times with the directions or instructions given to them by the Police.
- (5) Where there are no footpaths, participants should keep to the left hand side of the road.
- (6) Numbers of participants in the procession must be agreed by the Police and the applicant.
- (7) Any participants deemed to be under the influence of alcohol by the Police must be prohibited from taking part in the procession.

**REASONS**

- (1) To enable proper arrangements to be made for police supervision, traffic management and, if necessary, road closures and the re-routing of bus services.
- (2-5) In the interest of public order, and to safeguard the interests of members of the public who are not involved in the procession.
- (6-7) In the interests of the safety of those participating in the procession.





## Public Processions

## APPENDIX 11

### Code of Conduct

#### All organisers should:

- provide 28 days notice to the Council of the intention to hold a procession;
- give notification as early as possible in those cases where a series of similar processions is proposed;
- co-operate with the Council and the Police from the time of submission of the notification of a procession until the procession disperses;
- identify himself/herself to the Police Officer in charge at the commencement of the procession;
- ensure that the route is as agreed with the Council;
- ensure that the number of participants does not exceed that stated in the notification;
- ensure that the procession commences promptly, at the time stated, and finishes at the time stated;
- ensure that all participants have been informed of any conditions imposed on the procession (change of timing, change to route etc);
- ensure anyone under the influence of alcohol and drugs is not allowed to participate;
- ensure an appropriate ratio of stewards and marshals to participants (one to ten) and that all stewards:
  - are briefed by organisers and given guidance/instruction on their role prior to the procession;
  - carry proof of status;
  - co-operate with the Police as required;
  - are highly visible and easily identifiable;
  - conduct themselves in a proper manner;
  - ensure that participants comply with directions regarding their own public safety and that of the public;
- ensure that, wherever possible, processions follow main roads, rather than going through residential housing developments;
- ensure that all participants keep to the near or left hand side of the street except on one-way streets where they will keep to the right side;
- ensure that the Police are assisted in guaranteeing that passage is allowed for traffic and pedestrians;
- ensure that, if necessary, the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to or through any public area;

- ensure that all playing of music ceases when approaching and passing places of worship while services are in progress, as instructed by the Police;
- ensure all participants disperse as soon as the procession concludes;
- ensure that the behaviour of participants could not reasonably be perceived as being deliberately aggressive (ie threatening, abusive, homophobic, sectarian or racist);
- accept that he/she is responsible for the behaviour of all participants, including bands where appropriate (as well as followers) and for ensuring general compliance with the Council's Code of Conduct on public processions and Police instructions;
- note that the conditions of Section 62 of the Control of Pollution Act 1974, in relation to the use of loudspeakers, shall be observed;
- note that the terms of the Public Order Act 1986, in relation to the prohibition of the wearing of uniforms signifying association with any political organisations etc, shall be observed;
- ensure that no banners or similar placards likely to incite a breach of the peace or contravene the Terrorism Act 2000 are displayed;
- note that the terms of the local byelaws, wherein force, in relation to the prohibition of the consumption of alcohol by any person in a designated place, shall be observed;
- note that the Council may take into account any public disorder, anti-social behaviour or damage to property resulting from a specific procession if notification is received from the organiser for a similar march.

**All participants in processions should:**

- behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in areas where there has previously been public disorder around processions;
- behave with due respect at "sensitive" areas such as places of worship;
- refrain from using words or behaviour which could reasonably be perceived as being deliberately aggressive (ie threatening, abusive, homophobic, sectarian or racist);
- obey the lawful direction of procession organisers, stewards and the Police at all times;
- keep to the designated route as directed by the Police;
- refrain from consuming alcohol or drugs prior to or during the procession;
- not display banners or similar placards likely to incite a breach of the peace or contravene the Terrorism Act 2000;
- disperse in good order as soon as the procession concludes.



## PERTH AND KINROSS COUNCIL

### Licensing Committee

11 July 2019

#### New Licensing requirements for Mobile Home Sites with Permanent Residents

#### Report by Depute Director (Housing & Environment) (Report No. 19/203)

##### PURPOSE OF REPORT

The purpose of this report is to make the committee aware of the new licensing requirements for mobile home sites with permanent residents and request approval of the arrangements for the assessment, charging and administration of this licensing scheme in accordance with the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016.

### 1 BACKGROUND / MAIN ISSUES

- 1.1 It is a referred function of this Committee in terms of Section 9 of the Scheme of Administration to:-
  - “(a) Determine applications for licences, permits and registrations in terms of the Caravan Site and Control of Development Act 1960 and all related subordinate legislation and to exercise discretion in terms of any condition attached to such licences, permits or registrations where the approval of the Council as Licensing Authority is required.
  - (b) Set fees and charges for the Caravan Site and Control of Development Act.”
- 1.2 The Executive Director (Housing and Environment) also has delegated powers in terms of Section 23 of the Council’s Scheme of Administration to “grant conditionally or otherwise, refuse or suspend where legally appropriate, and to designate officers to grant conditionally or otherwise, refuse or suspend where legally appropriate, licences, registrations, recognitions or approvals in terms of the Caravan Sites and Control of Development Act 1960”.
- 1.3 Regulatory Services within Housing and Environment, carry out the delegated functions under the Caravan Sites and Control of Development Act 1960 on behalf of the Executive Director (Housing and Environment) and prior to the introduction of this new licensing scheme, mobile homes for permanent residence were licensed under a general caravan site licence. This was often as part of a wider site that may also comprise touring/holiday caravans and with no requirements for the caravan site licence to be renewed. Once granted, there were limited powers to address any failure to comply with conditions of the caravan site licence, except through reporting matters for prosecution.

- 1.4 The Housing (Scotland) Act 2014 introduced a new licensing scheme on 1 May 2017 for residential mobile homes sites by inserting new provisions into the Caravan Sites & Control of Development Act 1960. To support the operation of the new licensing regime the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 were also enacted. The new scheme relates to permanent residential sites only and should be a positive change in protecting the safety and welfare of residents on these sites as it introduces wider powers for Local Authorities to deal with breaches of site conditions. The licence provisions came into effect from May this year.
- 1.5 The main changes to the licensing of residential caravan sites can be summarised as follows:-
- (a) Licences granted last for 5 years and must be renewed,
  - (b) Applications for licences and for transfers and renewal of licences can be refused if the applicant or any person involved with the day to day management of the site (including a site manager appointed by the site owner to manage the site) is found not to be a fit and proper person to hold a site licence,
  - (c) A site licence can be revoked if the applicant or any person involved with the day to day management of the site (including a site manager appointed by the site owner to manage the site) is found not to be a fit and proper person to hold a site licence,
  - (d) The Council is entitled to charge fees for the first application for a site licence and for a renewal of a site licence,
  - (e) The Council can reclaim the expenses of enforcement action,
  - (f) The Council has a number of options in relation to enforcement. These are:-
    - (i) the power to serve an improvement notice on a site owner, to require them to carry out work to comply with a licence condition;
    - (ii) the power to impose a penalty notice which would suspend pitch fee payments (other than for utilities) and the commission a resident pays to the site owner on the sale of their mobile home, if the site owner failed to comply with an improvement notice;
    - (iii) the power to revoke a site licence in certain circumstances;
    - (iv) making provision for an interim manager to take over the running of the site in specific circumstances, such as when a site licence is revoked, or a local authority has refused to renew a licence;

- (v) the power to carry out work on a site urgently (whether or not that site has a licence) when the licence holder is failing, or has failed, to comply with a site licence condition, or if the site has no licence; and as a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land; and
  - (vi) increasing the maximum criminal penalty for the offences of non-compliance with licence conditions to a maximum of £10,000. The fine for operating without a site licence once the new system is in force will be a maximum of £50,000. It will be for a sheriff to decide if a licence holder has failed to comply with a licence condition or has been operating a site without a licence, and how much any fine should be.
- (g) Applications for residential site licences will be received and processed and referred to this Committee. The legislation is clear that decisions in relation to residential caravan sites can be delegated to officers. The Committee has three months to make its decision on an application. If the Executive Director is minded to recommend refusal of an application then the applicant must be advised of the reason(s). The applicant then has 28 days to make written representations. The Committee must consider these representations from the applicant before it makes its final decision. If the Committee refuses a site licence application, an applicant can appeal against that decision. A sheriff will hear the appeal. If the Committee is considering revoking a site licence then the same process applies.
- (h) The Scottish Ministers have the power to issue guidance. A local authority must have regard to any guidance published when carrying out its functions under the 1960 Act. See Section 6, Background Papers.
- 1.6 There is no requirement in the 1960 Act that decisions on mobile home licensing be carried out by committee such as the licensing committee as there is for some other licensing regimes, the duty falls on the local authority to decide how it will handle and make decisions in relation to a site licence.
- 1.7 Fifty-eight caravan sites currently hold caravan site licences within Perth & Kinross. Of these sites, thirteen have been identified as partly or wholly comprising of mobile homes with permanent residents and therefore require the new Mobile Residential Home Licence. (A list of these sites is contained in Appendix 1.)
- 1.8 Guidance has been published for local authorities on site licence conditions which provides model licensing conditions for residential mobile home site licences. See section 6, Background Papers.

- 1.9 Under the new licensing system a local authority is also able to charge a fee for handling a first site licence application, and for a licence renewal. It cannot charge a fee for handling a site licence transfer application, or for transmission of a site licence. The fee must not exceed an amount which a local authority considers represents the reasonable costs of an authority in deciding a relevant permanent site application. The fee set should therefore reflect what the local authority believes will be the reasonable cost of handling a first site licence application, and the average cost to it of handling a site licence renewal application.

## **2 PROPOSALS**

### **Determination of Mobile Residential Home Licences**

- 2.1 It is proposed that in the majority of cases applications for licences, where there is no reason for refusal, will continue to have their licences granted by the Executive Director (Housing and Environment) and that all other licenses will be referred to the Licensing Committee to consider whether the applicants are “Fit and Proper” to hold a licence (Appendix 3, Fit and Proper Person Assessment). By referring these applications to the Licensing Committee members of the public will be given an opportunity to have a fair and public hearing before an independent and impartial tribunal in accordance with Article 6 of the European Convention of Human Rights.

### **Licensing Conditions**

- 2.2 In order to ensure all sites are assessed consistently it is considered a robust approach is used to apply licence conditions based on the relevant legislation and associated guidance (see Section 6, Background Papers,).
- 2.3 The proposed, generic licence conditions are detailed in Appendix 2 and Committee members are asked to agree the application of these conditions by the Executive Director (Housing and Environment) in terms of the licensing regime. Note: Further bespoke conditions may apply to certain sites based on historical information, types of services etc.

## **3 COST RECOVERY**

- 3.1 There is no funding provided for implementation of this legislation. The direction is for local authorities to charge fees to cover the costs of increased resource and administrative burden of the licence process, primarily on Regulatory Services (predicted to amount to 0.6 FTE in 19/20). It is envisaged that all sites will be licenced within a 6 month period and additional resource required to do so will be funded from the licensing income, therefore cost neutral in terms of existing budgets.
- 3.2 Local authorities can also recover costs of additional enforcement action which may be required at other times.

- 3.3 The details of the proposed fees to be charged in Perth and Kinross are detailed in Appendix 4. These aim to ensure those operating sites as a business, cover appropriate costs. Comparative charges of other Local Authorities are found in Appendix 5. The fees will be subsequently included within the Council's Schedule of Charges.
- 3.4 Note: A site owner can pass on the cost of the licence fee to site residents as part of their pitch fee, as it is a legitimate business expense and the licensing system will benefit residents. A licence holder can choose whether or not the cost is divided over the length of the licence period (5 years) or over 1 year. However these costs should not be a significant burden on residents.
- 3.5 The Licensing Committee is asked to approve the charges laid out in Appendix 4 for inclusion to the Council's Scheme of Charges.

#### **4 CONCLUSION AND RECOMMENDATIONS**

- 4.1 The changes which have been made to regulate and licence mobile home sites with permanent residents are welcomed, to protect the safety and welfare of residents on these sites, It is requested the Licensing Committee:
- (a) Note the new licensing requirements for mobile homes with permanent residents and the proposed licensing process which includes additional financial and resource pressures;
  - (b) Approve that the Executive Director (Housing & Environment) lead on the licensing of mobile home sites with permanent residents.
  - (c) Approve the Licensing Conditions detailed in Appendix 2 of this report;
  - (d) Agrees the Licensing Committee determine 'Fit & Proper Person Test' applications, as detailed in section 2.1 and Appendix 3 of this report;
  - (e) Approves the licence fees for the Scheme of Charges detailed in Appendix 4 of this report.

##### **Authors**

| <b>Name</b>   | <b>Designation</b>                      | <b>Contact Details</b> |
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##### **Approved**

| <b>Name</b>    | <b>Designation</b>                      | <b>Date</b> |
|----------------|-----------------------------------------|-------------|
| Keith McNamara | Depute Director (Housing & Environment) | 3 June 2019 |

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION.

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan                                      | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        | <b>Yes</b>        |
| Financial                                           | <b>Yes</b>        |
| Workforce                                           | <b>Yes</b>        |
| Asset Management (land, property, IST)              | <b>None</b>       |
| <b>Assessments</b>                                  | <b>-</b>          |
| Equality Impact Assessment                          | <b>Yes</b>        |
| Strategic Environmental Assessment                  | <b>None</b>       |
| Sustainability (community, economic, environmental) | <b>None</b>       |
| Legal and Governance                                | <b>Yes</b>        |
| Risk                                                | <b>None</b>       |
| <b>Consultation</b>                                 | <b>-</b>          |
| Internal                                            | <b>Yes</b>        |
| External                                            | <b>Yes</b>        |
| <b>Communication</b>                                | <b>Yes</b>        |
| Communications Plan                                 | <b>Yes</b>        |

### 1 Strategic Implications

#### Community Plan

1.1 The proposals detailed within this report support each of the following priorities:

- (i) Giving every child the best start in life –  
Increasing the safety of mobile home sites with permanent residents will support children living there to have a better start in life;
- (ii) Supporting people to lead independent, healthy and active lives –  
This proposal will aid in supporting specific community's needs which may not have had any in the past.
- (iii) Creating a safe and sustainable place for future generations –  
This proposal contributes to building safer, stronger and sustainable communities by licensing, of a regulatory process, sites and site managers/owners by application.

#### Corporate Plan

1.2 The proposals detailed within this report support each of the following priorities:

- (i) Giving every child the best start in life:-  
The proposal allows PKC to ensure adequate living standards to support children living on a mobile home site, where previously the Local Authority had limited power.
- (ii) Supporting people to lead independent, healthy and active lives; -

The proposal includes new model standards and site specifications which encourage quality housing for permanent residents (in mobile homes) - aids in meeting the housing needs of people in Perth and Kinross.

- (iii) Creating a safe and sustainable place for future generations.-  
The Fit and Proper Persons Test promotes and encourages safety for those permanent residents living on mobile sites.

## 2. Resource Implications

### Financial

- 2.1 There is a cost to Perth and Kinross Council for issuing site licences which will be retrieved through our proposed fee structure. The Head of Finance has been consulted regarding the fee structure for inclusion in the Scheme of Charges.

### Workforce

- 2.2 Staffing requirements will be met from within existing resources and will be allocated in line with other public health priorities. A combination of authorised officers will be utilised to administrate, inspect/assess and issue the Mobile Residential Home Licence for Permanent Residents. The hourly rate in determining the fee structure has therefore been determined from the current 2019/20 salary scales applicable to the relevant authorised officer posts noted above.

### Asset Management (land, property, IT)

- 2.3 There are no asset management implications associated with this report.

## 3 Assessments

### Equality Impact Assessment

- 3.1 This report recognises that the new procedure for licensing residential caravan sites could impact site owners/managers or site residents. However, the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- 3.2 Assessed as **relevant** for the purposes of EqIA, due to:
  - The introduction of an appeal process allows an applicant a trial if they do not agree with the outcome of their application; and
  - The new regime should protect residents and have an overall positive impact

### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

- 3.4 A pre-screening report has been completed. This confirmed that the licensing of mobile home sites with permanent residents will have minimal or no impact on the environment, and consequently that a full strategic environmental assessment did not need to be undertaken.

#### Sustainability

- 3.5 There are no sustainable development issues associated directly with this report.

#### Legal and Governance

- 3.6 Following statutory amendments to the Caravan Site and Control of Development Act 1960 (the Act), the new system for licensing and controlling mobile home sites with permanent resident has been introduced under the Licencing of Relevant Permanent Sites (Scotland) Regulations 2016. The design of the licensing application; the selection of Fit and Proper Person consultees and criteria have been carried out in accordance with Part 5 of the Housing (Scotland) Act 2014; The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 and any associated guidance.
- 3.7 The Scheme of Administration, under section 9, Licencing Committee, states that this Committee has delegated authority to:
- Determine applications for licences, permits and registrations in terms of the following Acts and all related subordinate legislation and to exercise discretion in terms of any condition attached to such licences, permits or registrations where the approval of the Council as Licensing Authority is required (includes Caravan Site and Control of Development Act 1960)
  - Set fees and charges for those licences, registrations and permits referred to above.

#### Risk

- 3.8 There are no risks associated with the content of the report.

### **4. Consultation**

#### Internal

- 4.1 The Head of Legal and Governance has been consulted on the preparation of this report.
- 4.2 Consultation has also been undertaken with internal consultees as part of the Fit and Proper Persons Test. This includes: Development Control, Safer Communities Team, Licensing and Waste.



## External

- 4.3 The Scottish Government have been formally consulting with stakeholders on the proposal of mobile homes with permanent residents site licensing since 2012.
- 4.4 Relevant Partner Agencies have been consulted to ensure they will be available to make comment on applicants Fit and Proper Persons Test and have been made aware of relevant criteria which require comment.

## **5. Communication**

- 5.1 Perth and Kinross Council have communicated with the 13 mobile home sites with permanent residents which will be required to apply for a new licence. Notification of the new licence requirements timelines have also been communicated to ensure sites are kept informed of Perth and Kinross Council's status.
- 5.2 Various site owners/managers and residents have been in regular contact with members of Regulatory Services at Perth and Kinross Council with any enquiries or complaints they may have.
- 5.3 Perth and Kinross Council have liaised with Partner Agencies who will be consulted during the 'Fit and Proper Person Test' to provide relevant comment on applicants. Partner agencies have provided a suitable future point of contact to do so.

## **6 BACKGROUND PAPERS**

- 6.1 The background papers are:
  - Licensing System For Mobile Home Sites With Permanent Residents: guidance for local authorities  
<https://www.gov.scot/publications/guidance-local-authorities-licensing-system-mobile-homes-sites-permanent-residents/>
  - Mobile Homes: model standards for residential site licenses  
<https://www.gov.scot/publications/model-standards-residential-mobile-home-site-licences/>

## **7. APPENDICES**

Appendix 1 – Mobile Home Sites with Permanent Residents in Perth  
 Appendix 2 – Mobile Homes with Permanent Residents Site Licence Conditions  
 Appendix 3 – Procedure for Handling Fit and Proper Person Test  
 Appendix 4 – Proposed Fees for Scheme of Charges  
 Appendix 5 – Comparison of Costs for First Licence Application



## Appendix 1 – Mobile Home Sites with Permanent Residents in Perth

**Table 1:** Known caravan sites in Perth and Kinross comprising of mobile units occupied by permanent residents

|    | Site Name and Address                                                         | Number of Residential Units |
|----|-------------------------------------------------------------------------------|-----------------------------|
| 1  | Berriedale, School Wynd, Crieff                                               | 1                           |
| 2  | Calvine Park, Calvine, Pitlochry                                              | 3                           |
| 3  | Marlee House, Kinloch, Blairgowrie                                            | 5                           |
| 4  | River Tilt Park, Invertilt Road, Pitlochry                                    | 10                          |
| 5  | Millhouse Caravan Park, South Bridgend, Crieff                                | 20                          |
| 6  | St Madoes, Glencarse                                                          | 26                          |
| 7  | Arnbro Caravan Park, Broich Road, Crieff                                      | 28                          |
| 8  | Grange Park, Grange Road, Errol                                               | 30                          |
| 9  | Loch Leven Gairney Bridge, Kinross                                            | 31                          |
| 10 | Burnbank, Carsie, Blairgowrie                                                 | 38                          |
| 11 | Park Village, Turretbank Road, Crieff                                         | 39                          |
| 12 | Marlee Loch, Kinloch, Blairgowrie                                             | 50                          |
| 13 | Glendevon Park, Dollar                                                        | 90                          |
|    | Total                                                                         | 371                         |
|    | Average Number of Residential Units on Mobile Home Sites in Perth and Kinross | 30                          |



## **Appendix 2: Mobile Homes with Permanent Residents Site Licence Conditions**

### **Number of Mobile Homes, Site Plans and Boundaries**

- 1 The maximum number of mobile homes to be stationed on the site is
- 2 The boundaries of the site and each pitch must be clearly marked by appropriate man-made or natural features.
- 3 A plan of the site of a suitable level of quality and detail must be supplied to the local authority whenever there is a material change to the boundaries or layout of the site.

### **Amenity and Privacy**

- 4 For amenity and privacy reasons:
  - The distance between any two units should generally not be less than 6 m.
  - The density of mobile homes on a site must not exceed the density stated in the planning consent conditions, or if none is stated, 50 mobile homes per hectare of usable area (excluding lakes, watercourses, high flood risk areas, roads, common service areas, and other areas unsuitable for the siting of mobile homes).

### **Roads, Gateways and Traffic Routes**

- 5 Roads must be constructed of hard durable materials (such as suitable bitumen macadam or concrete with a suitable compacted base) and must be provided so that no mobile home is more than 45 metres from a road. Roads must be capable of carrying vehicles with an axle loading of 14 tonnes as a minimum.
- 6 Roads must be designed to provide adequate access for emergency vehicles. Routes for emergency vehicles must be kept clear of obstructions at all times. Where necessary, suitable vehicle turning areas should be provided.
- 7 All roads must have adequate surface water/storm drainage. Roads must not be less than 3.7 metres wide unless they are designed for, and used by, one way traffic in which case they must not be less than 3 metres wide.
- 8 One-way systems must be clearly signposted.

- 9 Where existing two-way roads are less than 3.7 metres wide, passing places or a one-way system must be provided.
- 10 All gateways/entrance/exits to the site must be a minimum of 3.5 metres wide and have a minimum height clearance of 3.7 metres for vehicular access and be accessible at any time.
- 11 Roads must be maintained to a good standard.
- 12 Cable overhangs must meet the relevant statutory requirements.
- 13 Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of vehicles in icy conditions.
- 14 Where appropriate, suitable measures (e.g. signage or speed bumps) to control the speed of vehicles on the site should be provided.

### **Pedestrian Routes**

- 15 Every hard standing must be connected to a road by a footpath at least 0.9 metres wide with a hard surface which must be maintained in good condition.
- 16 Communal pedestrian routes should not be less than 0.9 metres wide. The route should be made of a hard surface and must be maintained in good repair and in a safe condition.
- 17 All pedestrian routes must have adequate surface and storm water drainage.
- 18 Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of pedestrians in icy conditions.
- 19 The surface and gradient of roads and all pedestrian routes should be designed and maintained to take into account the requirements of disabled households.

### **Bases and Hard Standings**

- 20 Every mobile home must be sited safely and securely on a hard-standing or solid base.
- 21 The base must extend over the whole area occupied by the mobile home, and must where possible project at least 0.9 metres outwards from its entrance to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance current at the time of construction, and kept in a suitable condition with any necessary maintenance.

## **Supply and Storage of Gas**

- 22 Gas supply (liquefied petroleum gas (LPG) and natural) and the storage of LPG gas cylinders must meet relevant statutory requirements, and relevant Standards and Codes of Practice.
- 23 Any gas installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements. Any work on gas installations and appliances on the site must only be carried out by persons who are competent to do the particular type of work being undertaken.

## **Electrical Installations**

- 24 The site must be provided with an electricity supply and distribution network of adequate capacity to safely meet the reasonable demands of the mobile homes and other facilities and services within it. The electrical system on the site, including the distribution network and supplies to mobile homes and site buildings, must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
- 25 Any work on the electrical distribution network on the site and equipment connected to it must be carried out only by persons who are competent to do the particular type of work being undertaken.

## **Oil Storage Tanks**

- 26 Oil storage tanks must be designed, constructed and located so as to comply with relevant statutory requirements and British and/or European Standards.

## **Water Supply**

- 27 All pitches on the site must be provided with a water supply sufficient in all respects to meet the reasonable demands of the mobile homes situated on them, and all water supplied for human consumption must be of the quality required by relevant statutory requirements and British and/or European Standards.
- 28 The water distribution network and installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of the relevant statutory requirements and British and/or European Standards.

- 29 All repairs and improvements to water supplies and installations must be carried out to conform to relevant statutory requirements and British and/or European Standards.
- 30 Work on water supplies and installations must be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant statutory requirements and British and/or European Standards.
- 31 Water supplies should be adequately protected from damage by frost.

### **Drainage and Sanitation**

- 32 The mobile home site, including every hard standing, must be provided with a suitable drainage system for the hygienic disposal of foul, rain and surface water from the site, buildings, mobile homes, roads and footpaths.
- 33 The surface and foul drainage network and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
- 34 Each mobile home and site building must be connected to a foul drainage system. The connection should be capable of being made air-tight when not in use.
- 35 Provision must be made for foul drainage either by connection to a public sewer, a sewage treatment facility or to an appropriate septic tank or treatment system approved by the local authority or, where appropriate, the Scottish Environment Protection Agency (SEPA). Septic tanks and treatment systems should be registered with SEPA in accordance with their requirements.

### **Flooding**

- 36 The site licence holder should establish whether the site is at risk from flooding by referring to SEPA's Flood Maps.
- 37 Where the site is at risk of flooding the licence holder should sign up to SEPA's Floodline service, establish an evacuation plan, and display notices prominently on the park with all relevant information.



## **Lighting**

- 38 Roads and pedestrian routes must be provided with an adequate working artificial lighting system between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.
- 39 Where appropriate, communal buildings should have adequate working artificial internal and external lighting.
- 40 The lighting systems and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.

## **Domestic Waste**

- 41 Each mobile home must be provided with, or have ready access to, appropriate facilities for the recycling of waste material and for the disposal of residual waste.

## **Notices and Information**

- 42 Displayed in a prominent place must be:-
- details of how to contact the Police, the Fire and Rescue Service, and
  - emergency and local medical services;
  - the name, contact address and telephone number of the site licence holder or the site manager (if different from the site licence holder) and
  - their emergency contact details;
  - a copy of the Site Rules. If the site rules are more than one page long the first page can be displayed, along with details of a specific place on the site that the full site rules can be inspected on request;
  - a copy of the Site Licence.

All notices must be suitably protected from the elements.

Other relevant information should be provided to the local authority if requested, including a copy of documents showing the on-going maintenance and inspection of the site and its facilities.

## **Site Maintenance**

- 43 The site licence holder should ensure that the site and all the facilities on it are maintained in a good order and condition, and function as intended.

## **Additional Structures and Alterations to Existing Structures**

- 44 New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards Regulations. Planning Permission may also be required and any conditions complied with.

## **Mobile Homes Let by the Site Licence Holder for Permanent Accommodation**

- 45 Each mobile home let by the site licence holder must be maintained in a good state of repair by the site operator, be weatherproof, free from damp, and comply with the relevant British Standard at the time of manufacture (at time of publication BS 3632:2015). The standard covers the manufacture of mobile homes, for use as permanent places of residence.

## **Parking**

- 46 Sufficient and appropriate provision should be made for car parking by residents and their visitors.

## **Fit and Proper Person**

- 47 The licence holder and site manager (if applicable) shall meet the criteria determining them as a fit and proper person and continue to do so throughout the duration of the licence.
- 48 The licence holder shall insure that all residents are in possession of written statements in accordance with The Mobile Homes (Written Statement) (Scotland) Regulations 2013.

## **Appendix 3 – Procedure for Handling Fit and Proper Person**

### **Fit and Proper Person Test (FPPT)**

On receiving an application for a mobile home site licence, Perth & Kinross Council must decide if the licence holder and any other relevant person involved in management of the site are a “Fit and Proper Person”. Not meeting the requirements of the test may result in a licence being refused.

### **FPPT Assessments**

In applying the fit and proper person test account must be taken of any evidence as detailed by “the Act” which includes the following general headings;

- Been convicted of a relevant offence
- Practiced unlawful discrimination
- Contravened the law in relation to caravans, housing, landlord and tenant law.
- Committed a breach of an agreement under the Mobile Homes Scotland Act 1983 as amended.
- Contraventions under legislation relating to water, gas and electricity legislation
- Engaged in antisocial behaviour
- Breached caravan site licence conditions
- Any other relevant material which the local authority is aware of as a result on any other function carried out by the local authority.

It will be appropriate as part of the determination of a licence application to seek the views of other Council services (e.g. Safer Communities, Landlord Registration), enforcement agencies (e.g. Police Scotland, Scottish Fire & Rescue Service, SEPA) and affected parties. Any information which is received must be considered in regard to the obligations to establish that the site licence holder and site manager meet the fit and proper person requirements.

Under certain circumstances information could be shared with other local authorities where it may be of relevance to the fit and proper person test. The law allows this information to be shared even if there is a duty of confidentiality owed to the person the information is about.

Perth & Kinross Council may also under certain circumstance in applying the test require a criminal conviction certificate

### **Determination of licence application**

In accordance with Council’s Scheme of Delegation the determination of routine, non-contentious licence applications regarding the FPPT will be made by competent officers of Regulatory Services, within Housing & Environment.

However, for those applications where credible information suggests the FPPT requires further robust and impartial scrutiny by experienced Council members then a referral report will be submitted to the Licensing Committee. Determination of

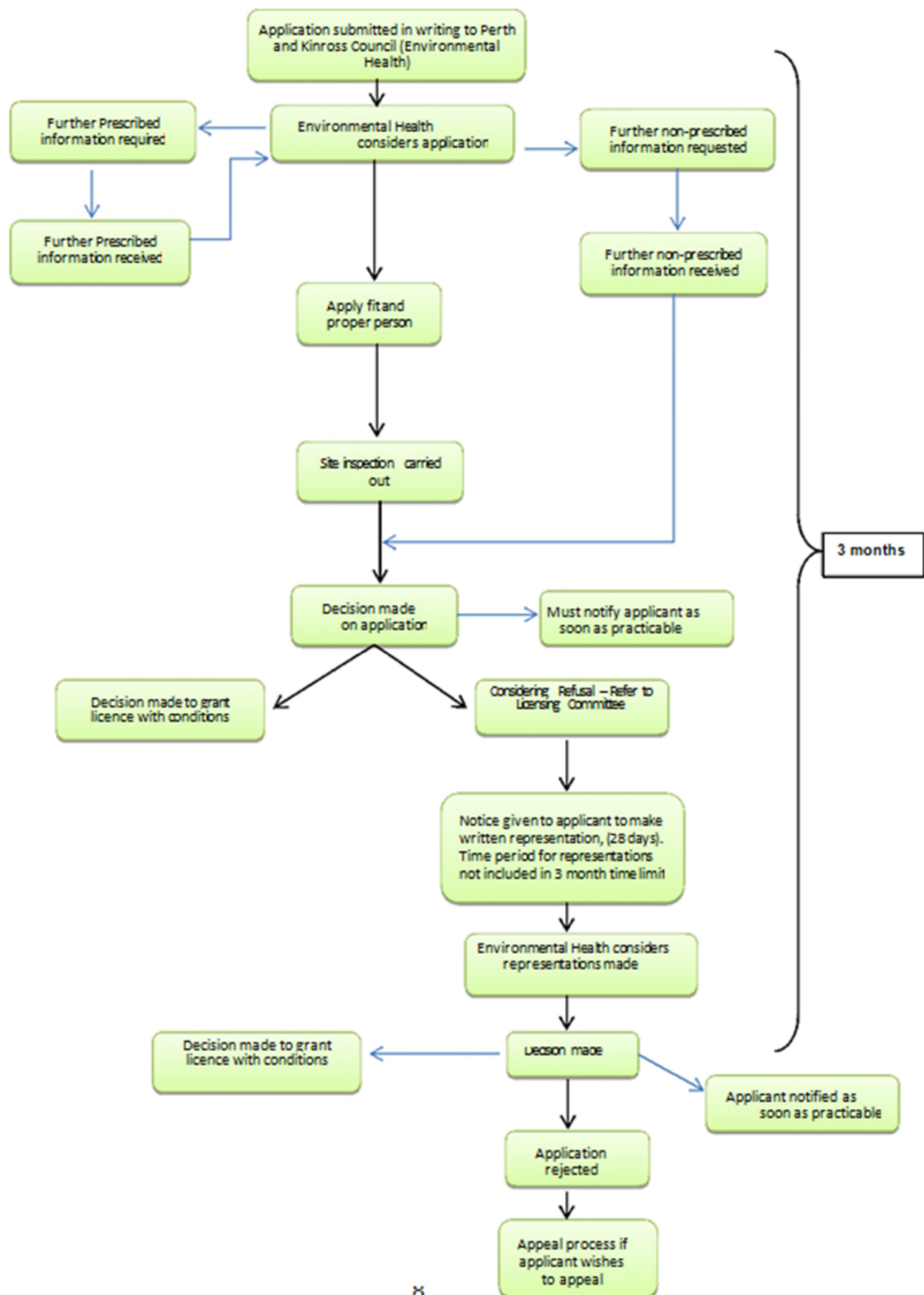
compliance or not via the committee process, including consideration of any representations by the applicant and relevant complainants can be made by Committee members.

Thereafter any further action as a consequence of e.g. failure of the FPPT will be taken by Regulatory Services.

### **Appeal against refused application**

The applicant can appeal to the Sheriff court if a final decision is made to refuse the application for granting or renewing a site licence.

Figure 1 below details a summary of the FPPT process for a first site application





## Appendix 4 - Proposed Fees for Scheme of Charges.

*The Licencing of Relevant Permanent Sites (Scotland) Regulations 2016.*

Changes to the above Act enable Local Authorities to charge a fee for the processing of new site licence applications and renewals. Fees proposed reflect the predicted resources required to undertake the whole of the licencing process. The license itself lasts for a period of 5 years before renewal is required.

**Table 1:** Perth and Kinross Council Fee Structure

| <b>Number of Residential Units Applied For</b> | <b>Cost of first application - £50 per unit or minimum £300</b> | <b>Cost of renewal application - £40 per unit or minimum £200</b> |
|------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------|
| 1-10                                           | £300 - £500                                                     | £200 - £400                                                       |
| 11-20                                          | £440 - £1,000                                                   | £540 - £800                                                       |
| 21-30                                          | £1,050 - £1,500                                                 | £840 - £1,200                                                     |
| 31-40                                          | £1,550 - £2,000                                                 | £1,240 - £1,600                                                   |
| 41-50                                          | £2,050 - £2,500                                                 | £1,640 - £2,000                                                   |
| 51-60                                          | £2,550 - £3,000                                                 | £2,040 - £2,400                                                   |
| 61-70                                          | £3,050 - £3,500                                                 | £2,440 – £2,800                                                   |
| 71-80                                          | £3,550 - £4,000                                                 | £2,840 - £3,200                                                   |
| 81-90                                          | £4,050 - £4,500                                                 | £3,240 - £3,600                                                   |
| 91-100                                         | £4,550 - £5,000                                                 | £3,640 - £4,000                                                   |

The above schedule of residential site licence fees is based on estimates of the processing costs for new applications.





## Appendix 5 – Comparison of Costs for First Licence Application

**Table 1:** Local Authority comparisons of fee charges for first site licence application

| West Lothian Council                    |                             | Perth and Kinross Council               |                                        | Angus Council                           |                             |
|-----------------------------------------|-----------------------------|-----------------------------------------|----------------------------------------|-----------------------------------------|-----------------------------|
| Number of Residential Units Applied For | Costs for First Application | Number of Residential Units Applied For | Costs for First Application (£50/unit) | Number of Residential Units Applied For | Costs for First Application |
| 1-10                                    | £597.00                     | 1-10                                    | £300 - £500                            | 1-6                                     | £300.00                     |
| 11-20                                   | £1194.00                    | 11-20                                   | £550 - £1,000                          | 7-12                                    | £600.00                     |
| 21-40                                   | £2388.00                    | 21-30                                   | £1,050 - £1,500                        | 13-24                                   | £1,200.00                   |
| 41-70                                   | £4180.00                    | 31-40                                   | £1,550 - £2,000                        | 25-48                                   | £2,400.00                   |
| 71-100+                                 | £5971.00                    | 41-50                                   | £2,050 - £2,500                        | 49-96                                   | £4,800.00                   |
|                                         |                             | 51-60                                   | £2,550 - £3,000                        | 96+                                     | £9,600.00                   |
|                                         |                             | 61-70                                   | £3,050 - £3,500                        |                                         |                             |
|                                         |                             | 71-80                                   | £3,550 - £4,000                        |                                         |                             |
|                                         |                             | 81-90                                   | £4,050 - £4,500                        |                                         |                             |
|                                         |                             | 91-100+                                 | £4,550 - £5,000                        |                                         |                             |

