

**Report To:** Communities Scrutiny Committee

**Date of Meeting:** 15<sup>th</sup> May 2014

**Lead Member / Officer:** Lead Member for Public Realm/  
Head of Planning and Public Protection

**Report Author:** Development Control Manager

**Title:** Better Regulation of Caravan Sites

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**1. What is the report about?**

- 1.1 The report is a follow up to the one presented to Communities Scrutiny Committee in July 2013. The report will provide updated information on relevant emerging Welsh Government legislation on this subject and its implications for DCC, current DCC policies and procedures and the role of the DCC internal project group.

**2. What is the reason for making this report?**

- 2.1 The report has been produced due to the continued concerns raised by Members around the potential use of holiday caravan parks within the County for permanent residential use. The report will provide Members with an up to date picture of how the aforementioned concern is being addressed across Wales and how the DCC project to address this concern is progressing.

**3. What are the Recommendations?**

- 3.1 That Committee provides observations on the direction of the project.

**4. Report details.**

- 4.1 As Members will be aware, there are a large number of caravan parks in the County comprising of a mix of static and touring holiday sites which contribute to Denbighshire's tourist accommodation offer. There are also a smaller number of permanent residential sites. The Council's Caravan Site License records indicate that there are approximately 6000 static pitches, 900 touring caravan pitches and 70 permanent residential pitches over 4 sites.
- 4.2 Elected Members and others have expressed concerns about the proliferation of caravan sites in the County and how they may be being used. The concerns relate, in the main, to the perception that individuals are using caravans as their main or sole residence avoiding Council Tax and using local services such as schools and doctors surgeries. Caravans can generally be considered to provide sub-

standard accommodation for permanent usage. The Police have also raised concerns about the increasing numbers of crimes being reported from caravans and caravan parks. As such, Officers have acknowledged that this is a major issue for the County which requires not only cross-service co-ordination but the involvement of partner organisations such as the Police, Fire Service and Health Board.

- 4.3 A review of the caravan parks in the County and the development of a strategy for their monitoring and enforcement have been identified as a Service Priority within the Planning and Public Protection Service. The priority is to be addressed using the Council's project management methodology and is led by a steering group of senior officers from across the service.
- 4.4 The Planning and Public Protection Service has, over the last 12 months, undergone a restructure with those staffing resources remaining being used to focus on identified priorities. The process of restructuring and priority setting has meant that this project has not progressed significantly in the last year. However, structures are now in place with staff identified to focus on the better regulation of caravan parks. Whilst some positive work has been progressed over the last 12 months in terms of site inspections, planning decisions and development of procedures it is important to highlight developments in legislation which will underpin on-going work in this area.

## **Legislation**

- 4.5 There are two pieces of relevant legislation within Wales which have emerged in the last couple of years which seek to address some of the Members concerns outlined above.
- 4.6 The first of these is the Mobile Homes (Wales) Act 2013 which is due to come into force on 1<sup>st</sup> October 2014. This legislation relates specifically to permanent residential sites, sometimes known as Park Homes. In brief, the Act provides revised licensing procedures for such sites in an attempt to bring the living standards therein up to a better level. The Act also revises model conditions for licenses and engenders better contractual arrangements between the site owners and the occupants of the caravans/homes.
- 4.7 In Denbighshire, there are only two such sites which will fall under the provisions of the 2013 Act. These are Morfa Ddu, Prestatyn (50 pitches), Stafford Park, Rhyl (60 pitches) Elsewhere there are sites where individual caravans have permanent residential use mainly authorised as managers accommodation.
- 4.8 The Act would also apply to mixed use sites which contain lawful permanent residential caravans and holiday ones. However, we are not aware of any such sites in the County.

- 4.9 The Welsh Government has recently issued a consultation on the Holiday Caravan Sites (Wales) Bill. This Bill was first introduced by the Assembly Member, Darren Millar. The consultation will last until **23<sup>rd</sup> May 2014** and the link to the website address is as below:-

<http://www.assemblywales.org/newhome/new-news-fourth-assembly.htm?act=dis&id=252455&ds=1/2014>

- 4.10 The draft Bill has been designed to address concerns regarding the management and regulation of holiday caravan parks in Wales including:

- the powers available to local authorities to address unlawful occupation of caravans;
- the resources available to enforce operating conditions on holiday caravan park licences;
- the fitness of persons owning holiday caravan parks;
- abuses by some holiday caravan park owners of holiday caravan owners on their sites; and
- the cost of providing public services to those who use holiday caravans as their main home

- 4.10 Officers have been involved in a National Working Group to look at both pieces of legislation and fully intend to submit comments on the draft Bill as part of the consultation. Members may also submit their own comments direct to the Welsh Government or contact Emlyn Jones, Public Protection Manager to discuss the Officer response.

- 4.11 Clearly, the Holiday Caravan Sites (Wales) Bill is very relevant to the type of caravan sites which Denbighshire has and the concerns which have been identified around their occupation. One of the main elements of the emerging legislation, which will support the work that DCC is doing to address the permanent residential occupation of holiday caravans, is around a residence test.

- 4.12 In brief, the occupier of a holiday caravan may be forced to provide documents such as, the occupier's sole or main residence for Council tax purposes, the address of a school attended by children of the occupier who live with the occupier, the occupier's entry in an electoral role, the occupier's address for correspondence with a financial institution, the occupier's address for correspondence with a utility provider, the occupier's address for correspondence with the HMRC and the occupier's registration with a GP.

- 4.13 This will supplement and support any existing planning and licensing controls which exist on a particular holiday site.

## **Planning Policies and Standard Conditions**

- 4.14 Members will be aware that there are a number of relevant policies contained within the adopted Local Development Plan which seek to further control new or extended static and touring sites within the County. These relevant policies are attached as **Document 1**. In addition, it is intended to develop Supplementary Guidance which will reflect the emerging legislation mentioned above. This will be progressed through the LDP Steering Group's Forward Work Programme.
- 4.15 There have also been recent planning applications presented to Planning Committee which have sought to vary existing planning controls on holiday caravan sites. The applications have sought to enable sites to operate over a full 12 month period. It should be noted that this is different to a site seeking to operate as a permanent residential site. Officers have attempted to explain how the Welsh Government seeks to encourage all year round tourism, however, given the perception of how some sites in the County are operating, Members have been rightly dubious over allowing variations to controls on some holiday sites. It should be noted, however, that whilst Members have previously flagged up concerns about the permanent occupation of holiday caravans in the County, Officers are rarely supplied with hard evidence that this is the case.
- 4.16 Examples of the standard planning conditions Officers have sought to impose on holiday sites seeking to operate over the full 12 month period are attached as **Document 2**.

### **The DCC Project**

- 4.17 As mentioned a working group of senior officers has been seeking to address many of the concerns raised by Members. It is acknowledged that tackling the problem of permanent occupation of holiday caravans is complex, time consuming and resource intensive. It requires a co-ordinated strategy involving planning, licensing, housing, social services and other partner organisations. The strategy is being developed having regards to the emerging legislation. In the meantime, however, Officers in both planning and environmental health sections are undertaking routine visits to holiday sites. This is resource driven and will focus on those sites where evidence is presented of clear permanent occupation. The list of occupier's information mentioned in paragraph 4.12 will be used to gather evidence of planning and licensing breaches and action then taken.
- 4.18 There will be implications for taking action which will involve colleagues in housing and social services. Those colleagues are aware of the development of the strategy and the emerging legislation.
- 4.19 It is anticipated that, now the staffing structures are becoming embedded within the Planning and Public Protection Service, the

project will gather pace alongside the emerging legislation. A strategy document and a reporting mechanism for those sites inspected and action taken will be presented to a forthcoming Scrutiny Committee.

**5. How does the decision contribute to the Corporate Priorities?**

5.1 Controlling the way caravan parks are used contributes towards Council priorities:-

- Developing the local economy
- Vulnerable people are protected and are able to live as independently as possible
- Ensuring access to good quality housing

**6. What will it cost and how will it affect other services?**

6.1 The project and the development of the working group to take it forward are not considered to require any additional staffing or financial resources.

**7. What are the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

7.1 An EqIA will be undertaken for the development of the Strategy document.

**8. What consultations have been carried out with Scrutiny and others?**

8.1 None.

**9 Chief Finance Officer Statement**

9.1 N/A

**10. What risks are there and is there anything we can do to reduce them?**

10.1 There are no perceived risks associated with the recommendations in this report.

**11. Power to make the Decision**

11.1 Article 6.3.3 of the Council's Constitution outlines Scrutiny's powers with respect to policy development and review.

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