

Report to:	Communities Scrutiny Committee
Date of Meeting:	20th July 2017
Lead Member/Officer:	Lead Member for Highways, Planning & Sustainable Travel/ Head of Planning and Public Protection
Report Author:	Development Manager (Planning & Public Protection)
Title:	Review and Update of Holiday Caravan Regulation Project

1. What is the report about?

The report is about the on-going regulation of holiday caravan parks within the County and how the Council is monitoring and enforcing possible breaches thereon.

2. What is the reason for making this report?

The report is made in accordance with the recommendation of the May 2016 Communities Scrutiny Committee. This sought a further update from Officers on the progress of the project and whether the regulatory procedures previously agreed were having the desired impacts.

3. What are the Recommendations?

That Members:

- 3.1 provide observations on the data management and monitoring systems set up as part of the project;
- 3.2 agree for Officers of the Planning and Public Protection Service to continue to investigate potential unauthorised residential occupation and to regulate parks accordingly; and
- 3.3 agree that this regulation can now continue on a “business as usual” basis without the need for any further referral to Scrutiny.

4. Report details

- 4.1 Denbighshire contains over 6000 static caravan pitches and over 400 touring pitches on 93 holiday caravan park sites. Some of these pitches are located on fairly modest rural sites whilst others are contained within much larger sprawling sites along the north coast of the County.
- 4.2 Concerns had previously been raised that some of these holiday caravans were possibly being used by persons as their sole or main residence in breach of planning and/or licensing controls. Initial investigations by Officers discovered that various Council databases contained records showing persons giving a caravan as their

address when accessing a Council service. Further details of Council service access is contained within **Appendix 1**. (The appendices to this report are exempt from public disclosure by virtue of paragraphs 13,14 and 18 of Part 4 of Schedule 12A of the Local Government Act, 1972)

- 4.3 Having regard to the initial investigations, Regulatory Procedures were developed which sought to guide Officers in their systematic approach to tackling unauthorised residential occupation. Further work was undertaken to try to co-ordinate Council databases in order to make it easier for regulatory Officers to gather evidence of recent service access from caravan residents. A demonstration of this monitoring tool will be given at the Scrutiny Committee meeting.
- 4.4 Based on the more robust and co-ordinated evidence acquired from the new monitoring tool, regulatory Officers began to undertake detailed audits of the sites which appeared to contain the highest numbers of persons showing up on Council databases. In addition to these site audits a prosecution case for an individual site was progressed. Information on relevant regulatory work undertaken to date is set out at **Appendix 2**.
- 4.5 Taking regulatory action against any unauthorised residential occupation of holiday caravans is complex. It requires clear evidence to be gathered of unauthorised occupation. It must also be accepted that some unauthorised uses have been in existence for some years. Proving that a caravan occupant does not have a separate main or sole residence where they spend most of the year is key to the investigations. Information on the on-going strategy and action to date by Officers in the Planning and Public Protection Service is contained in **Appendix 2**.
- 4.6 In addition to the more co-ordinated monitoring and regulatory processes set up within the Council, Officers have also been working directly with park owners and the British Holiday and Home Park Association (BHHPA). The BHHPA have welcomed the Council's approach and report a greater awareness amongst park owners of a need to police their sites more closely. Park owners themselves have actively dealt with unauthorised residential occupation based on our site audits and regulatory action with confirmation being given that certain individuals breaching licensing and planning controls have since left the sites. See **Appendix 3**.
- 4.7 Officers are continuing dialogue with park owners and the BHHPA and Supplementary Planning Guidance has been developed in liaison with the Association. A further Caravan Conference is being planned for later in the year at which Officers will present a united front with the BHHPA to ensure best practice on parks is being followed. This also involves the production of a joint guide for holiday park owners on how to manage and run parks so as to avoid unauthorised residential occupation. New Licenses for holiday parks will eventually be issued and these licences will place a further onus on park operators to use standard contracts, site rules and to keep up to date records of Council tax demands from caravan owners. See **Appendix 4** "Holiday Park Guide".

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

Addressing how holiday caravan sites operate within the County contributes to the Council's Economic Ambition Strategy and the Better Business for All project. It does so by ensuring businesses are supported and regulated ensuring they operate in a fair trading environment. The better regulation of holiday caravan sites also contributes to ensuring people have access to good quality living accommodation and vulnerable people are supported.

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

- 6.1 There should be no additional costs on any Service. By reducing access to Council Services there should be financial savings made.
- 6.2 The implementation of further regulatory work can be done with existing staffing resources in the Planning and Public Protection (P&PP) Service.

7. What are the main conclusions of the Well-being Impact Assessment?

The project was started before the relevant legislation was introduced. The initial "Records, Regulation and Repercussions" report did, however, consider many aspects of a Well-Being Assessment in the repercussions section highlighting potential impacts upon Denbighshire residents, especially older ones.

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

As set out above the project has been presented to Communities Scrutiny Committee over a number of years and the BHHPA have also been consulted throughout. North Wales Police and the Fire Service have also been directly involved in the project and have taken part in joint operations with the Council on a number of holiday parks. Other departments of the Council including Finance, Social Services and Housing have been engaged and have provided data to assist in investigations.

9. Chief Finance Officer Statement

It is anticipated that the implementation of further monitoring and regulatory work can be done within existing staff resources and without incurring any additional costs. However if any extra costs arise these will need to be contained within existing service revenue budgets.

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

- 10.1 There are risks that those persons potentially displaced from holiday caravan parks through the action of park owners, or through enforcement action will present to the Council as homeless. This situation will be monitored and reported back to Scrutiny Committee accordingly.
- 10.2 There are financial risks associated with the Council not undertaking further regulatory work both in terms of harm to the tourism sector generally by it not operating equitably and the further drain on Council Services from persons living on holiday parks and

accessing services. This risk can be reduced by the work being undertaken by Officers as part of this on-going project.

11. Power to make the Decision

Compliance action and regulation of holiday caravan sites can be taken under the following pieces of legislation:

- Town and Country Planning Act 1990
- Caravan Sites and Control of Development Act 1960
- Public Health Act 1936
- Section 7.4.1 (e) of the Council's Constitution stipulates Scrutiny's right to consider the impact of policies to assess if they have made a difference, whilst Section 7.4.2(b) outlines Scrutiny's powers with respect of the Council's performance in delivering policy objectives

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