

Report to: Communities Scrutiny Committee

Date of Meeting: 4th July 2019

Lead Member/Officer: Cabinet Lead Member for Planning, Public Protection and Safer Communities

Report Author: Development Manager (Planning and Public Protection)

Title: Review and Update of Holiday Caravan Regulation Project

1. What is the report about?

- 1.1 The report is about the regulation of holiday caravan parks within the County. It details how the Council is monitoring and enforcing against the permanent residential occupation of caravans on the parks.

2. What is the reason for making this report?

- 2.1 This report seeks to update Members on the progress of regulatory activity and explore whether the approach agreed by the Committee in 2017—to regulate the parks on a ‘business as usual’ basis—is having the desired effects.

3. What are the Recommendations?

- 3.1 That Members:
- 3.1.1 provide observations on the efficacy of the ‘business as usual’ approach;
 - 3.1.2 support Officers of the Council to continue to investigate potential unauthorised residential occupation of holiday parks; and
 - 3.1.3 agree that this regulation can continue on a “business as usual” basis without the need for any further referral to Scrutiny.

4. Report details

- 4.1 Up to 2017, a proactive ‘caravan project’ sought to identify and remedy instances of residential occupation on Denbighshire’s holiday parks. Members, Assembly Members and Members of Parliament had hitherto expressed concerns about a hidden population of inhabitants of holiday parks. To tackle the issue effectively, the project involved input from Community Support Services and Education and Children Services as well as from Planning and Public Protection.
- 4.2 A software tool was developed in order to monitor various Council databases, and initial investigations revealed that various Council services were being accessed by

people giving a caravan as their address. Further, up-to-date details of Council service access is provided in Appendix 1.

- 4.3 Based on the evidence acquired from the monitoring tool, regulatory officers carried out inspections of the sites which appeared to be the most problematic. These audits, which have continued through 2018 and 2019, have confirmed that some instances of residential occupation have occurred.
- 4.4 Taking regulatory action against unauthorised residential occupation is complex, requiring clear evidence that the occupant does not have a principal residence elsewhere. It must also be accepted that some breaches have been in existence for a number of years, and may therefore have acquired immunity from enforcement.
- 4.5 The above notwithstanding, the Planning and Public Protection Service has issued six enforcement notices relating to the unauthorised residential occupation of caravan parks within the past three years. Furthermore, one of these cases was successfully progressed to prosecution. Information on some of the relevant regulatory work undertaken to date is set out in Appendix 2 (this appendix is excluded from disclosure by virtue of paragraph 14 of Part 4 of Schedule 12A to the Local Government Act, 1972).
- 4.6 The adoption in July 2018 of supplementary planning guidance (“SPG”) on caravans, chalets and camping¹ has bolstered the Service’s regulatory capabilities. Section 9 of the document relates to the use of holiday parks. It specifies that the Council, when granting planning permissions for holiday parks, will impose a condition to expressly limit the caravans’ use to holiday-related purposes. As was proposed at the 2017 Scrutiny Committee meeting, the SPG also specifies that a further condition will be applied so as to simplify the process of investigating potential breaches. It reads:
- The caravan site license holder or his/her nominated person(s) shall maintain an up-to-date register of the names(s) and principal address(es) of the owner(s) and the principal occupier(s) of each holiday unit on the site. The register shall also contain copies of up-to-date council tax demands pertaining to each principal address given. The register shall be made available for inspection by Officers of the Local Planning Authority at all reasonable times.*
- 4.7 In addition to planning permission, holiday parks are required to be licensed under the Caravan Sites and Control of Development Act 1960. A licence can only be issued if planning permission has been granted and this is a ‘one-off licence’. Licences are drafted using the latest model standards which are available at the time of issue. They control the duration for which the caravans on a site may be occupied and are issued subject to various conditions concerning matters such as caravan spacings, fire-fighting equipment, electrical safety, sanitation etc. Unlike a planning permission, a licence can be revoked if repeatedly breached.
- 4.8 There is no firm evidence that enforcing against the unauthorised occupation of caravans on holiday parks has resulted in an increase in homelessness.

¹ Available at <https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/local-development-plan/ldp-spg/spg-documents/adopted-spg-documents/Supplementary-Planning-Guidance-Caravans-Chalets-and-Camping.pdf>.

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

- 5.1 The regulation of holiday parks helps to ensure that the tourism sector is a fair trading environment in which business who operate in compliance with planning and licensing requirements are able to flourish. Addressing how holiday parks operate therefore contributes to the Council's Economic Ambition Strategy and the Better Business for All project. In discouraging the misselling of holiday caravans as permanent homes, the regulation of holiday parks also contributes to the Corporate Priority of ensuring that people have housing which meets their needs.

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

- 6.1 Reducing the number of people accessing Council services while not paying Council Tax should result in financial savings, although the Service's interventions may have resulted in an increase in housing applications.
- 6.2 Further regulatory work can be done on a 'business as usual' basis with existing staffing resources within the Service. Any other work would require additional resources.

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

- 7.1 This report is an update report and therefore does not require a WBIA.

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

- 8.1 Other departments of the Council including Finance, Social Services and Housing have been engaged to provide data to assist in investigations.

9. Chief Finance Officer Statement

- 9.1 The regulation approach outlined should be contained within existing resources.

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

- 10.1 Ceasing the unauthorised occupation of caravans on holiday parks inevitably displaces people. There is a risk, depending on individual circumstances, that those who are displaced become homeless. The Council can mitigate this situation by using its discretionary power to underenforce (e.g. by extending timeframes for compliance) and, more generally, by ensuring that there is sufficient suitable accommodation for people within the County—homeless people in particular.
- 10.2 There are financial risks associated with the Council not undertaking further regulatory work. Firstly, people accessing Council services while not paying Council Tax are a clear drain on Council resources. Secondly, there is a risk that the tourism sector would be harmed if, as would be likely, insufficient regulation resulted in an undermining of the fair business environment which gives all operators an equal chance to prosper. These risks can be reduced by the Service continuing to enforce against unauthorised occupation when evidence of such comes to light.

11. Power to make the Decision

- 11.1 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.
- 11.2 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; and
 - 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.

Contact Officer

Development Manager (Planning and Public Protection)

Tel: 01824 706727