

## **ITEM 6                    Mobile Home Sites – Licensing Conditions and Enforcement**

Report of the Head of Housing and Environmental Health (Portfolio: Housing and Environmental Health)

### **Recommended:**

- 1. That the Council approves the standard licence conditions based on the 2008 Model Standards.**

### **Recommended to Council:**

- 2. That the Council delegates authority to amend standard licence conditions to the Head of Housing and Environmental Health.**
- 3. That the Council delegates authority to the Head of Housing and Environmental Health to take necessary enforcement action under the Mobile Homes Act 2013 and authorisation of officers accordingly.**

### **SUMMARY:**

- The Council adopted the 2008 Model Standards for Caravan Sites in January 2016. A review of all sites has been completed and it is proposed licence conditions are varied to ensure they are compliant with the 2008 Model Standards and to ensure that they are enforceable.
- The licence conditions would be set based on standard licence conditions with delegated authority to the Head of Housing and Environmental Health to make minor alterations.
- That authorisation to enforce site licence conditions be delegated to the Head of Housing and Environmental Health

## **1 Introduction**

- 1.1** The Council licenses sites on which caravans, mobile homes or park homes are sited.
- 1.2** The Council adopted the Government's 2008 Model Standards in January 2016. A full inspection programme of all the Council's licensed sites has been undertaken. Deficiencies between the condition of the current sites and the model standards have been identified.
- 1.3** The Council needs to determine the appropriate action in response to these deficiencies and to delegate authority to the Head of Service to carry out any necessary variation to licence conditions and subsequent enforcement.

## **2 Background**

- 2.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) came into force on 29<sup>th</sup> August 1960. Part 1 of the Act introduced a licensing system to be operated by Councils in order to regulate the establishment and operation of caravan sites.
- 2.2 The Council has 12 licensed caravan sites where there are multiple caravans. There are other sites which have been issued a licence for a single caravan which are not subject to the Model Standards 2008.
- 2.3 The current conditions attached to multiple site licences are either non-existent or dated as some of the licences date back to 1960.
- 2.4 The Mobile Homes Act 2013 gives the Council the power to serve compliance notices and to carry out works in default to remedy breaches of site licence conditions. There is no current authorisation to delegate these powers to officers.
- 2.5 The delegated authority to grant and vary licences under the Caravan Sites and Control of Development Act 1960 currently rests with the Environmental Health Manager. Due to changes in structure, the Environmental Health Manager does not have any line manager responsibility for the team which deals with Caravan Sites.
- 2.6 The term caravan in this report covers mobile homes or park homes.
- 2.7 The Government produced two guidance documents for local authorities when the Mobile Homes Act 2013 came into force:
  - 2.7.1 Mobile Homes Act 2013: advice to local authorities on the new regime for applications for the grant or transfer of a site licence (referred to in this document as “Licensing Guidance”); and
  - 2.7.2 Mobile Homes Act 2013: a best practice guide for local authorities on enforcement of new site licensing regime (referred to in this report as the “Enforcement Guidance”)
- 2.8 The Model Standards for Caravan Sites in England 2008 also contain guidance notes.

## **3 Corporate Objectives and Priorities**

- 3.1 The improvement of standards in park homes fits with the Council’s “Live” priority to ensure that residents of these home sites live on good quality and well run sites and their rights are protected. The charge of an annual fee makes the Council accountable and committed to annual inspections to ensure standards are maintained.

## **4 Consultations/Communications**

- 4.1 A letter was sent to all existing site licence holders in September 2015 regarding our proposal to adopt 2008 model standards.
- 4.2 One response was received and the licence holder was concerned that the existing licence conditions would automatically change and wouldn't be applicable to the current site.
- 4.3 Letters have also been sent to all site licence holders before their inspections were carried out stating our intention to review licence conditions. Many residents who have been on site during our inspections have been spoken to about our proposals to review licence conditions.
- 4.4 In line with the Government guidance, licence holders will be sent a draft copy of the proposed licence conditions and given 28 days to make any representations. These representations will be considered prior to issue of the final licence with the aim to reach agreement with the site licence holder. However the Licensing Guidance states that the licence holder does not have to be in agreement with the proposed condition before the Council introduce it.
- 4.5 The Licensing Guidance also refers to consultation with occupiers. It states that local authorities may choose to consult a Residents' Association on the site or the home owners directly on the licence conditions it is proposing, although there is no requirement to do so.
  - 4.5.1 For the purposes of the review of licence conditions being carried out currently, it is not considered necessary to consult all residents on all sites. However where there is a residents association on a site the Council will notify them that the licence is currently being consulted on. Should residents make comments, the Council will consider them along with representations from the licence holder but the Council is not duty bound to have regard to them.
- 4.6 Hampshire Fire and Rescue Service will be consulted on all draft licence conditions as they may have enforcement responsibility on some sites under the Regulatory Reform (Fire Safety) Order 2005. Local authorities cannot include conditions which relate to matters that are or could be imposed by or under this Order.

## **5 Options**

- 5.1 Options available for Members to consider are:
  - 5.1.1 To delegate authority to the Head of Housing and Environmental Health to grant and vary licences under the Caravan Sites and Control of Development Act 1960 including appropriate licence conditions.

- 5.1.2 To approve the use of the attached licensing conditions with delegation to the Head of Housing and Environmental Health to include such conditions as he considers appropriate, having regard to the needs and characteristics of the particular site.
- 5.1.3 To delegate authority to the Head of Housing and Environmental Health to consider representations made by site licence holders during the consultation phase of issuing or varying licence conditions and to alter licence conditions accordingly.
- 5.1.4 To delegate authority to the Head of Housing and Environmental Health to authorise enforcement action under the Mobile Homes Act 2013.
- 5.1.5 To determine the appropriate course of action to address the deficiencies identified, and whether to apply the terms of the model standards 2008 directly to sites or allow discretion.

- 5.2 Members are asked to determine the appropriate course of action for dealing with non compliances on the site. The Enforcement guidance refers to varying conditions on existing sites. It states (in paragraph 4.7):

“The Government’s view is that if an existing licence condition is adequate and enforceable under the new licensing provisions; and there are no exceptional circumstances to warrant changing it, then a local authority should not do so. However, where existing conditions are ambiguous, irrelevant or outdated, they should be reviewed and revised as necessary to ensure that they are appropriate and reasonable and importantly, that they are enforceable.”

- 5.3 Deficiencies mainly relate to the following areas:

- 5.3.1 Separation between homes less than 6 metres (or less than 5.25 metres if facing walls are clad with Class 1 fire resisting material) as per the 2008 model Standards. The enforcement guidance refers to spacing issues and states:

“4.16 Historical spacing issues cannot usually be resolved quickly or easily. They can arise in a number of ways, for example:

- The site operator, knowingly or otherwise, has sited a park home in breach of the spacing distance in the site licence condition
- The home owner has added a porch or other structure to the home with/without the site operators knowledge.

4.17 In deciding the best way forward, a balance needs to be made between the need to upgrade conditions and the extent of any negative impact that enforcement may have on existing home owners in terms of disturbance or possible adverse affect on the re-sale value of the their home.

4.18 A sensible approach is to draw a line in the sand; accept existing contraventions and then put site licence conditions in place that, going forward, are clear and can be enforced. For example, to make it a condition that the site operator must inform the licensing authority when a new home is to be sited or when alterations to the site layout are proposed.”

The options available are:

- (a) to apply the 6 metre separation distance to all existing units as per the 2008 model standards.
  - (i) Where caravans are located between 5.25 and 6 metres apart to require facing walls to be of Class 1 fire resisting construction or units to be moved within an appropriate time frame (depending on space around caravans to enable them to be relocated)
  - (ii) Where caravans are located less than 5.25 metres apart to require units to be moved within an appropriate time frame (depending on space around caravans to enable them to be relocated)
  - (iii) If caravans cannot be relocated then one will need to be removed. This should be done when one reaches the end of its useful life.
- (b) to leave existing caravans in their current location until the first one reaches the end of useful life then remove and not replace
- (c) to require caravans to be resited immediately which may result in the loss of a pitch and a caravan would have to be removed from site.

5.3.2 Structures made of combustible materials, such as timber sheds, located in the separation distance between caravans.

- (a) Recommended option – require replacement with non combustible structure or resite outside separation distance
- (b) Alternative option – take no action

5.3.3 Caravans located too close to the boundary

- (a) Recommended option – risk assess depending on proximity and privacy issues from other side of boundary with a view to no action unless overlooked or close to fire risk.

5.3.4 General maintenance and upkeep of the site such as roads and pathways.

- (a) Recommended option to include a condition to require these to be maintained and kept in good repair.

5.3.5 Siting of caravans on unsuitable bases

- (a) Recommended option to give licence holder a year to relocate to a suitably constructed base
- (b) Alternative option – to leave caravans in place at licence holder discretion

## **6 Option Appraisal**

- 6.1 To delegate authority to the Head of Housing and Environmental Health will ensure expedient decisions can be taken in line with the Council's adopted policies.
- 6.2 The licence conditions to be issued are based on the 2008 model standards and are attached as Appendix One. The discretion to apply the conditions with minor variations to be delegated to the Head of Housing and Environmental Health will ensure that licence conditions can be determined without recourse to Licensing Committee.
- 6.3 In relation to the option detailed in 5.2.1, if the Council chose to take no action and a fire occurs in one of the caravans, there is potential that this could spread to adjacent caravans. Requiring caravans to be relocated immediately would involve a lot of expense as homes would have to be relocated via crane, and some homes have extensions or conservatories attached, and the bases may have to be extended before caravans can be relocated. If there are too many caravans on the site this may mean that one has to be removed which may create an issue by making someone homeless. To ensure that caravans are clad with appropriate fire resisting material will mitigate the fire risk. The lack of privacy issues are not life threatening and can be dealt with in the longer term when the caravan has reached the end of its useful life and is due to be taken off site. This will minimise inconvenience for the occupier (who is often the caravan owner).
- 6.4 In relation to the option detailed in 5.2.2 regarding the combustible units in the separation distance; the cost implications of compliance are less although may still be the responsibility of the caravan owner who put it there rather than the site licence holder. To leave them in situ causes a fire risk as it provides a stepping point for the fire to spread. Alternative methods of compliance such as cladding with fire resistant material could be considered depending on the location of the structure in relation to the caravans.

## **7 Resource Implications**

- 7.1 The proposed option would mean more of existing staff time would be spent on enforcement. Should enforcement progress to compliance notice, the cost of staff time can be recharged to the site licence holder.

## **8 Legal Implications**

- 8.1 The Council will be able to enforce the legal requirements of the Mobile Homes Act 2013 and the conditions on caravan site licences.

## **9 Equality Issues**

- 9.1 Many of the mobile home sites are semi-retirement and potentially occupied by vulnerable elderly persons. Ensuring that the sites are efficiently run and in compliance with site licence conditions will ensure that we safeguard the health and wellbeing of the occupants.

**10 Other Issues**

10.1 Community Safety - None

10.2 Environmental Health Issues

10.2.1 Ensuring compliance with effective site licence conditions should reduce the complaints and enquiries from residents and neighbours of sites.

10.3 Sustainability and Addressing a Changing Climate

10.3.1 Improvements in fire resistance could be linked to external insulation improvements and potential grant funding in appropriate circumstances to ensure a greater level of energy efficiency of the building.

10.4 Property Issues - None

10.5 Wards/Communities Affected - All

**11 Conclusion**

11.1 Delegating authority to the Head of Housing and Environmental Health will ensure Caravan site licences can be issued appropriately without needing to refer to Council for decisions on standard conditions or minor variations.

11.2 Decisions made on the approach the Council should take will allow officers to determine appropriate conditions and take appropriate enforcement action to ensure residents on caravan sites are protected and living in safe sites.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1		
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