Appendix A: Briefing Report: Caravan Site Licensing in South Holland

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September 2014
Report purpose

This report has been written to provide Policy Development Panel with a brief overview of the situation concerning caravan site Licensing in South Holland. It sets out the statutory basis for the council’s work in this area, the types of accommodation covered by Licensing, a summary of the standards that the council expects sites to meet, along with how the authority monitors and enforces against those standards. It is hoped that the report will provide members with an informed understanding of the council’s work in this field.

Why does the council licence caravan sites?

The Licensing of caravan sites is one of several key statutory duties at the council has when it comes to regulating residential accommodation. The basis of the council’s statutory duty to licence caravan sites is derived from the Sites and Control of Development Act 1960. The Act requires occupiers of land to gain a license before using that land as a caravan site, with the licensing authority being the local borough or district council.

Last year the government introduced the Mobile Homes Act 2013. This piece of legislation introduced new powers for local authorities to refuse to grant licences where it considers an applicant to be unsuitable to hold a licence.

What types of sites are the council required to licence?

Licensing covers several types of caravan site, including the following:

- Holiday sites, including those with static and touring caravans
- Permanent residential sites, including Gypsy and Traveller sites

The authority is not required to licence a site where the owner of the site holds an ‘exemption certification’. Exemption certificates are usually held by constituted organisations such as the Caravan Club or other caravan ‘rallying’ organisations. Sites for Travelling Show Persons are also excluded from the requirement to hold a licence.

In terms of who is actually being licenced, where an individual on a site owns a caravan it is the dwelling owner who is required to obtain a licence. Conversely, where caravans on a site are occupied on a rented basis, it is the owner of the site and/or a designated ‘site manager’ who is required to obtain a licence. Consequently, within South Holland there are sites with 40+ caravans under one licence, along with smaller sites with multiple licences.

What is caravan site Licensing concerned with?

Caravan site Licensing is principally concerned with the matter of safety. This includes safety on the grounds of fire risk, along with safety in terms of the provision of adequate sanitary facilities.

The council may use licences to impose a certain number of ‘licence conditions’ that govern various aspects of the site. These conditions include the following:

- **Conditions relating to density and space between caravans.** For example, South Holland applies a distance rule of 5 metres between caravans of metal construction, and a rule of 6 metres where caravans are constructed of other materials such as plywood. The authority applies a set of similar ‘standard conditions’ on matters relating to the distance between ramps, porches, awnings and sheds.
- **Roads, gateways and footpaths.** South Holland applies conditions that seek to ensure that in the event of a fire, roads and gateways will allow adequate access for the Fire and Rescue Service. The authority also lays down certain requirements with regards to turning circles for Fire Engines, along with ensuring adequate means of escape on foot in the event of a fire.
- **Hard Standings.** The authority seeks to ensure that hard standings are provided in such a manner as to allow safe access to and from the site.
• **Fire Safety.** This includes conditions relating to access to Fire Points, and matters relating to appropriate water pressure to allow fire equipment to work. The maintenance of fire alarm equipment on such sites, along with the mitigation of potential fire hazards, is also covered by licence conditions.

• **Electrical Safety.** This concerns the sufficiency of the electricity supply on the site.

• **Drainage, sanitation and washing facilities.** The authority imposes conditions concerning access to foul drainage, access to chemical disposal points, and the quantity of WC and shower facilities per a given occupancy level.

• **Recreational Space.** South Holland imposes a condition whereby approximately 10% of the total site area should constitute of open space for recreational purposes.

Caravan site owners have the right to appeal to a local magistrates court if they disagree with any of the conditions that the council seeks to impose.

**How does the council monitor compliance?**

The council’s Private Sector Housing team holds responsibility for the Licensing and continued monitoring of caravan sites within the district. In order to appropriately monitor conditions on sites within the district, the authority has developed a caravan site ‘risk rating inspection’ system. This system rates individual sites based around the council’s assessment of the likely need to intervene in enforcement matters.

For example, where a site is well maintained and the council has a good degree of confidence in the management arrangements, such a site will attract a ‘low’ risk rating. This means that the authority will arrange to complete an inspection every three to five years. However, where the authority believes that the conditions and management on a site are of a lesser quality, such a site will be assigned a ‘high’ risk rating. This will lead to an annual inspection from council officers.

Given the links between Licensing and fire safety, the authority seeks to coordinate inspections with the Fire and Rescue service. This ensures that the authority can make appropriate judgements concerning the risk of fire on caravan sites.

If a site owner fails to apply for a licence or does not adhere to conditions on a licence, the authority may issue a Compliance Notice to the licence holder. Failure to comply with such a notice is a criminal offence, punishable by fine up to £5,000. Furthermore, where there is repeated failure to adhere to a Compliance Notice, the authority may withdraw a licence which it has issued and complete ‘works in default’ in order to address the issues that it has identified.

At South Holland, the authority seeks to adopt an approach where it will attempt to address matters informally before seeking to take enforcement action. To date this approach has proven successful in ensuring that formal enforcement action has not been required.

**Licensing Fees**

Presently, the authority does not charge such a fee for issuing a licence. However, it is now within the authority’s gift to do so if it wishes. The Mobile Homes Act 2013 introduced the ability for local authorities to levy a fee for the issuing of licences, along with an annual fee for the site licence.

**Relationship with the planning system**

Given the nature of the standard conditions applied by the authority upon caravan sites, the council’s Private Sector Housing team works extremely closely with colleagues in the Planning team when new sites come forward for this purpose. For example, the team is a major consultee on new sites, providing guidance to ensure that agreed plans would meet the standard conditions that the authority will later impose through the Licensing process.
Note also that where a caravan site does not have planning consent, the authority is unable
issue a licence to regulate conditions on the site. This means that were planning consent is
not in place and site conditions are inadequate, the authority has to rely upon other powers
linked to Planning and Environment Health. Note that the authority is unable to utilise the
Housing Health and Safety Rating System in order to regulate conditions of caravan sites.

The situation in South Holland

In South Holland there are 52 licensed caravan sites. These range from sites consisting of
40+ units with a single licence, through to individual privately owned caravans. This includes
14 licences on sites occupied by Gypsy and Travellers. During the summer of 2014, the
authority inspected approximately 30 sites as part of our on-going risk rated inspection
programme. The vast majority of sites are rated by the authority of being of acceptable quality.
The authority continues to undertake regular inspections on a small number of sites where it
feels a more thorough inspection regime is required.

The authority does not have an up to date policy on the matter of Caravan Site Licensing. The
authority does, however, have a Caravan Site Licensing Procedure document which sets out
the process through which the authority will go when inspecting sites, issuing licences and
using enforcement powers.

If the authority wishes to do so it may revisit, revise and update this procedure document
and/or introduce an updated Caravan Site Licensing Policy. Such an amendment will provide
the authority the opportunity to consider the matter of charging a fee for issuing site licences,
along with an annual licence fee.