



**RICHMONDSHIRE DISTRICT COUNCIL
ENVIRONMENTAL HEALTH SERVICE**

CARAVAN AND OTHER LICENSABLE SITES - ENFORCEMENT POLICY

Date of Issue: 11th November 2014

Document Version Control

Version	Date	Author
1.0	29 th May 2014	Joy Swithenbank
2.0	13 th June 2014	Joy Swithenbank
3.0	7 th July 2014	Joy Swithenbank

FOREWORD

The Residential Team (herein referred to as 'the service') sets out to maintain and improve standards within caravan and other licensable sites within the district.

Tourism and promotion of the area, is key for economic growth, through the provision of jobs and support to local business. We want to assist licence holders to create a safe & sustainable environment that attracts people to the area and encourages them to come back.

Permanent residential accommodation, also known as 'Park homes', represents a small proportion of all licensed sites, however this lifestyle has increasingly been promoted over the last couple of decades as an affordable alternative to traditional housing. Driven principally by demand from retired individuals, the demographic make up of the community tend to be older and in some cases more vulnerable than residents in other forms of accommodation. Park homes are caravans not houses and existing housing provisions designed to protect the occupant do not apply. Most of the services and amenities are provided by the owners of the site and covered by different legislation. It is essential that standards are maintained and enforced, where necessary, to protect the health & wellbeing of these occupants.

The service takes a proactive approach to provide informal advice, assistance and information to site owners, tenants and owner occupiers, to improve standards overall within the sector and which does not rely on complaints. However for individual cases where this approach fails the service will take enforcement action as necessary in order to protect the health, safety and welfare of persons occupying or using the site.

Contents

1. Overview of the policy
2. Service provision and aims
3. Application process
4. Site fees
5. Site licence conditions
6. Inspection system
7. Complaints
8. Informal action
9. Formal action
10. Works in default
11. Officer training, competency and authorisation
12. Policy review.

CARAVAN SITE ENFORCEMENT POLICY.

1. OVERVIEW OF THE POLICY.

This policy includes all licensable sites under the Caravan Sites and Control of Development Act 1960 and tent licences issued under the Public Health Act 1936. These include; permanent residential sites, touring sites, holiday parks, tents, camping pods, wooden chalets etc.

Caravan sites and other licensable sites are subject to licensing by local authorities to ensure they are safe and healthy places to reside. This is a growing sector with the Richmondshire District both for tourism and the expansion into alternative provisions such as wooden chalets, yurts etc and for the ownership and / or rental of permanent residential units within the park home sector.

The policy is intended to strengthen the existing licensing regime and incorporate the new legislative provisions introduced under the Mobile Homes Act 2013 and to introduce an inspection programme to ensure that site conditions are complied with.

This will help ensure that site owners fulfil their legal obligations, standards are maintained and people coming into the area using the facilities and living on sites permanently are adequately protected.

2. SERVICE PROVISION AND AIMS

The use of land as a caravan site requires a Caravan Site Licence (unless specifically exempt) under the Caravan Sites and Control of Development Act 1960. The Act allows the council to apply licence conditions to the sites to regulate safety, welfare and management. The use of land for tents requires a licence under the Public Health Act 1936. All sites first must have the relevant planning permission or relevant exemptions under the Town & Country Planning Act 1990.

Additional requirements have been introduced to strengthen local government powers in relation to permanent residential sites under the Mobile Homes Act 2013. These units are caravans not houses and the housing, health and safety rating system (HHSRS), used to maintain housing standards in permanent buildings does not apply to them. They are often laid out as private estates with almost all services and amenities provided by the site owner.

Sites also come within the scope of the Health & Safety at Work etc Act 1974 for the business activities for example the common areas. Other public health legislation also applies in respect of drainage and the Environmental Protection Act 1990 in relation to pollution control.

Conditions relating to fire safety are, in the majority of sites, no longer enforceable by Local Authorities and all matters of concern will be passed to

North Yorkshire Fire & Rescue for action under the Regulatory Reform (Fire Safety) Order 2005.

To ensure legislation is adhered to we will:

- Actively monitor licensed sites using a risk based inspection scheme or in response to complaints.
- Actively promote the service through the Council's website including; details of the licensing regime, standard site conditions and maintain a public register of all licensed sites.
- Work with the local planning authorities to ensure that existing and all potential applicants have all the necessary information for them to apply for a licence.
- Aim to promote an environment of self-regulation by supporting and working alongside licence holders / residents, providing advice and guidance.
- Provide clear details on how people using licensed site can contact this Service should they have concerns about the provisions.
- Process new applications, transfers or variation within the agreed service standard.

3. APPLICATION PROCESS

Application forms are available on line and directly from this service. A completed application form must be accompanied by a site plan at 1:500 scale showing the layout of roads, caravans, or pitches and facilities.

We will offer advice and support to applicants on how to meet the licence conditions. This may involve phone calls, meetings, written communication or site visits, upon request, prior to an application being granted.

All applications will be determined within 8 weeks of receipt provided planning permission has been sought and granted. Tent licences will be determined in 4 weeks. The council has no discretion over the issue of a site licence unless it applies to a permanent residential site or a tent licence.

All sites will be inspected prior to the licence, transfer or variation being released.

Where an application is refused the reasons for refusal and any appeal process will be clearly documented with the refusal letter.

4. SITE FEES.

Licence fees apply to 'relevant protected sites' as defined in the Mobile Homes Act 2013. These are permanent residential sites (Park home sites) including those within mixed sites.

The fee charge takes into account the costs of:

- implementing & promotion of the licensing regime,
- providing advice to site owners,

- the consideration of an application and issuing of licences;
- transfers of licences or applications to alter a licence
- site inspection
- administration and monitoring of licences
- enhanced enforcement / responding to complaints.

Fees are listed in the Councils annual fees and charges report, available on the Council's website. There is no charge for other licence types. Single pitch sites will be exempt from annual fees (but not other licensing fees) as there are fewer issues (e.g. spacing, lower risks, tending to be owner occupied) to consider when carrying out routine monitoring compared with multiple pitch sites. In addition, collecting annual fees from single pitch sites would not be cost effective. These sites would be monitored less frequently than those attracting an annual fee due to the lower risk generally associated with single pitch sites.

5. SITE LICENCE CONDITIONS.

The Council will impose site licence conditions on the person holding the licence. These conditions are mainly based on the Governments Model Standard Conditions published in 1989 for Holiday Parks and 2008 for Permanent residential units. They cover such matters as:

- unit spacing, density, size and siting;
- provision sanitary facilities & amenities

These conditions place a responsibility on site operators to provide minimum basic facilities and services for occupants. Other conditions as deemed necessary may be added by the Council. Additional conditions may be applied to individual sites, where it is determined that a specific risk exists on that site.

Any amendment to site conditions will be with full consultations of site licence holders and resident groups.

6. INSPECTION SYSTEM.

Sites will be inspected every 1 to 5 years based on a risk rating system. Where the rating is greatest, for example vulnerability of the site occupants, the site we will aim to inspect more frequently. Inspections will be prearranged with licence holders. Where this cannot be arranged a written 24 hour notice will be given.

7. COMPLAINTS

We will respond to complaints within 3 working days unless the site poses an imminent risk to the health and safety of the occupants.

Where deemed appropriate Caravan sites will be inspected upon the receipt of a complaint.

8. INFORMAL ACTION

Informal action will be taken to resolve any breach of the licence conditions. The officer will have regard to the site owners' apparent willingness to resolve the situation, the seriousness of the issue and likely risk and previous records of compliance.

If a non-licensed site can be licensed, the Council will work with the site owner to ensure an application is submitted within 28 days.

For non-licensed sites or sites which no-longer have a valid licence or planning permission, a referral shall be made to the planning enforcement officer and joint action considered.

9. FORMAL ACTION.

Formal action will be considered where:

- There have been serious and / or persistent breaches of licence conditions,
- an informal approach has not achieved the desired result
- safety critical or public health issues exist,
- the site is operating without a licence and;
- other circumstances where an officer considers it necessary to use their legislative powers to secure improvements.

For sites which are not permanent residential, if a site owner is in breach of a licence condition the local authority has the enforcement power to prosecute in the Magistrates' Court.

For permanent residential sites local authorities have the power to serve an enforcement notice on the site owner requiring works to be done to remedy a breach of a licence condition. A fee is chargeable for the service of an enforcement notice. This is listed in the Council's annual fees and charges.

If the licence holder is successfully prosecuted three times for breaching the licence conditions, the Council will apply to the Magistrates' Court to have the licence revoked.

Legal notices are subject to an appeals procedure to the magistrates' court or in the case of permanent residential sites to a Residential Property Tribunal.

10. WORK IN DEFAULT

Where the requirement of a legal notice is not met, the Council may carry out the required works and recover costs. This will be determined on a case by case basis. The Council will generally consider carrying works in default when:

- a) The Council regards work in default as being a more appropriate or effective remedy than prosecution;
- b) The person served with a statutory notice starts work but then does not make satisfactory progress in accordance with stipulated timescales;
- c) The Council may agree to carry out work in default on behalf of the person responsible where a written request and an undertaking to pay has been received;
- d) Inspection by the Council has deemed that the works already carried out are not suitable to ensure compliance with the notice.

In deciding whether to carry out work in default, the Council will consider:

- a) The ongoing risk to health posed by the hazard in respect of which work is required to remove;
- b) Where known - the wishes of the person responsible;
- c) Where the evidence available indicates a realistic prospect of recovering its reasonable costs and;
- d) Where statute allows the Council to recover the cost of the works by placing a charge on the property

The Council has a policy which sets out how works, goods, and services will be procured. These will be followed when arranging for works in default to be carried out.

Costs recharged may cover activities carried out by the Council in carrying out their legal duties such as officer time, travel costs, invoices and administration and any interest allowed to be charged on outstanding monies.

Recovery of outstanding money will be undertaken through the Council's debt recovery procedures.

11. OFFICER TRAINING, COMPETENCY AND AUTHORISATION

Only officers who are competent by virtue of their training, qualifications and/or experience will be authorised to take enforcement action. The Environmental Health Manager will maintain a list of current authorisations.

Authorised officers will also have sufficient training and understanding of the departmental policies and procedures to ensure a consistent approach to service delivery.

Officers who undertake criminal investigations will be conversant with the provisions of the following legislation:

- Police and Criminal Evidence Act 1984;
- The Criminal Procedure and Investigations Act 1996;
- The Regulation of Investigatory Powers Act 2000;
- The Data Protection Act 1998;
- Freedom of Information Act 2000.

12. POLICY REVIEW

The implications and effectiveness of this Policy will be regularly monitored. This Policy will be reviewed annually by the Residential Team Leader and Environmental Health Manager to reflect changes shown to be necessary from internal monitoring, by legislation or by guidance from the Central Government Agencies. Views on the policy and its implementation will be sought to ensure it continues to meet the principles of good enforcement.