

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes of a Meeting of the Licensing Committee held on
Tuesday 7th August 2012 at 6pm in the Committee Suite, King's Court,
Chapel Street, Kings Lynn**

PRESENT:

Councillors R Groom (Chairman)
M Back, R Bird, C Crofts, M Langwade, A Lovett, C Sampson
G Sandell, Mrs S Smeaton, M Tilbury, D Tyler and T Wright.

By Invitation: Councillor A Lawrence, Portfolio Holder for Community
Councillor M Tilbury

Apologies for absence were received from Councillor M Hopkins, J Loveless, C Manning and L Scott.

1. **URGENT BUSINESS**

There was none.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor M Tilbury.

4. **MINUTES**

- (i) The minutes of the full Licensing Committee meeting held on 16th February 2012 were confirmed as a correct record and signed by the Chairman.
- (ii) The minutes of the Licensing Sub-Committee Hearings held on the following dates were confirmed as a correct record and signed by the Chairman:

25th April 2012
9th May 2012
24th May 2012

5. **PROPOSALS TO ADOPT HOLIDAY CARAVAN SITES/TOURING CARAVAN SITES – LICENSING PROCEDURES & STANDARD CONDITIONS**

The Licensing Enforcement Officer, Brian Isted, with the support of Lucy Hartley, Licensing Administration Assistant, gave a presentation which outlined proposals to adopt licensing procedures and standard conditions in relation to holiday caravan sites/touring caravan sites. He explained that a review was necessary as research had showed that the conditions for holiday sites had not been properly reviewed since the current Model Standards were issued in 1989. In the past, there had been examples of site licences being issued even though no planning permission existed or the wrong conditions had been applied to the site licence which had resulted in confusion and problems with enforcement.

He outlined what was deemed to be considered as a caravan and explained that it could be argued that if a unit could not be towed or transported on a low loader it could not be considered to be a caravan. He referred to a particular site in the Borough where the owner had originally sought planning permission for a chalet but permission had been granted for a caravan. As a result of court proceedings, a compromise had been reached and retrospective planning permission had been granted for a chalet, however the case had exposed a number of mistakes.

Brian Isted explained that the Borough Council were responsible for licensing all caravan sites within the Borough, however the presentation only related to sites that were under the responsibility of the licensing team, namely holiday sites, touring sites and sites with moveable dwellings. The definitions for each specific site were outlined:

Holiday Sites – restricted through planning to prevent site operating all year round and to ensure holiday occupation only.

Touring Sites – a site on which people toured with caravans and were eligible to stay temporarily and for no longer than 28 days.

Moveable Dwellings – tents, vans or structures that were used intermittently for habitation.

The majority of caravan sites required a licence but, by law, there were a number of exemptions where planning permission and a site licence was not required and these were outlined to Members of the Committee.

Brian Isted explained that there was a need to adopt conditions not only for safety reasons but also for amenity purposes. Site users needed to be able to be in a position to enjoy their experience as well as being able to feel safe. Caravans placed in dangerous positions or overcrowding must therefore be prevented. Flooding issues also needed to be considered with the requirement that site operators signed up to Flood Watch. Separate distances were also vital to ensure some degree of privacy and reduce the risk of fire spread. Wooden structures in separation distances must be avoided as this would increase the risk of fire spread.

A moveable dwelling was considered to be any structure that could be moved if it was used for human habitation. Tents were considered to be moveable dwellings but these were now being modernised in the form of “pods” although they were considered to be fairly expensive. Councillor Mrs Smeaton referred to a site in Scotland that did have pods however, but the site lacked the necessary facilities.

Brian Isted explained that it was important to ensure that the licensing conditions reflected a standard of amenities which were at least acceptable. It was also essential to ensure sites did not become untidy.

Brian Isted outlined the application process for new sites and explained that currently the only means of an appeal for the licence holder was to the Magistrates' Court. However the new conditions, if adopted would give the licence holder a right of appeal if they were not prepared to accept a condition on their licence, to a Sub-Committee of the Licensing Committee. This would hopefully avoid costly court cases and demonstrate that any such cases had been considered carefully by the Sub-Committee prior to any subsequent appeal to the Magistrates Court which would only strengthen the Borough Council's case. The Sub-Committee could uphold the appeal, amend, remove or add conditions to the licence, however it was important that any conditions imposed were necessary and enforceable. They only had the power to refuse a licence if the applicant had had a licence revoked in the previous 3 years or if planning permission was not in place.

Reviewing the conditions would ensure that there was an opportunity to review some or all of the following issues:

- Boundaries and site plan
- Density, spacing and parking between caravans
- Roads, gateways and overhead cables
- Footpaths and pavements
- Lighting
- Bases
- Maintenance of common areas
- Supply and storage of gas
- Electrical installations
- Water supply
- Drainage and sanitation
- Domestic refuse storage and disposal
- Communal vehicular parking
- Communal recreation space
- Notices and information
- Flooding
- Regulatory Reform (Fire Safety) Order 2005

It was highlighted that most sites were open from April to October each year although some sites now had occupancy for 11 months of the year. Drainage and sanitation issues had contributed to Heacham and Hunstanton losing their blue flag status. The Act also required that consideration should be given to communal recreation space.

Brian Isted explained that the Borough Council currently had approximately 160 licensed holiday sites but this was likely to increase to approximately 200. These sites ranged from single caravan sites to sites with up to 800 units. Although monitoring of licensed sites was not required by law, it was considered to be best practice and therefore it was proposed that larger sites would be sent an annual self assessment form to complete and return to show their compliance with conditions and a sample of sites would be chosen for a full inspection.

Currently the Borough Council's enforcement options were limited and proving any breaches of conditions was both time consuming and expensive. The Council had no power to revoke a licence and the Magistrates could only do this if the operator had been prosecuted for two previous breaches. The Act did provide the power to require operators to carry out improvement work and failure to carry out these improvements would be a breach.

It was explained that in the event of an emergency it was being proposed that site operators would keep a register of all persons on site. It would also give site owners less opportunity to evade doing necessary works and ensure better and safer conditions for people visiting/staying on caravan sites. Health and safety issues would also be regularly reviewed and any changes would be seen as a means to work closer with site operators. By the raising the standards on site, it would raise the profile of caravan sites in the Borough and encourage more people to the area, be it to come on holiday or to live.

In conclusion, Brian Isted explained that the consultation process would commence on 10th August and a letter would be sent to all licensed site operators to ask their views on the proposals. The consultation period would last 6 weeks (not 12 weeks as it was not a full public consultation) and any views would be taken into account before a report was submitted to Full Council. Each Councillor would also be sent a copy of the new proposed conditions as part of the consultation process and a copy would be posted on the Council's website. Residential site conditions were being reviewed at the same time and would form part of the report to Full Council.

There were a number of questions and comments from Members of the Sub-Committee, the responses and details are summarised below:

- The Act did not give the Council the power to insist that licensed operators produce their insurance certificate, however the Council can and do ask for proof of insurance. It was suggested that it would be beneficial for the Council to work in partnership with insurance companies on enforcement issues which would also help ensure licensed site operators comply with any appropriate conditions. It was explained that this was the case in relation to riding establishment.
- It was clarified that a site licence, once issued, was valid and existed for the duration of any planning permission that had been granted but no longer.

- It was suggested that there maybe a breach in planning permission in relation to a particular site in the Borough, which had permission for touring caravans and should not have people living on-site on a permanent basis.
- It was confirmed that 75 caravans per hectare was the maximum number permitted under planning legislation (not licensing) although the size of the units could vary.
- It was highlighted that there was no fee associated with an application for a licensed caravan site which appeared to be an omission in the Government's legislation.
- It was suggested that would be near impossible and very onerous for site operators to keep a register of all persons on site, particularly in relation to touring caravans. It was however explained that it would be easier to monitor people in touring caravans because they were eligible to only stay up to a maximum of 28 days therefore access to and from the site could be monitored. Particularly in high risk flood areas (such as Heacham and Snettisham), the emergency services could not afford to waste valuable time searching unoccupied caravans.
- Councillor Bird welcomed the proposals but explained that his concerns were the area between Wolferton Creek and Hunstanton Cliffs in relation to flood defences. There were some 3,500 caravans situated below the 5.5 metre sea defence line in this area. There also appeared to a mixture in the length of occupancy (7, 9, 11 and 12 months) with no clear set criteria. Councillor Bird explained that he had raised the issue with Planning Enforcement in relation to caravans being occupied for 12 months but explained that it was difficult to prove and subsequently enforce. In relation to Council Tax, it was explained that where there was a restricted occupancy, the occupier paid the full years payment and then in January was sent a refund for the overpayment in relation to the period when occupancy was not permitted. So for instance a caravan that had a six month occupancy would be required to pay for the whole year and would be refunded the 6 months in the following January. Councillor Bird explained that he had raised this issue with the relevant Government Minister and Henry Bellingham MP. He explained that he had carried out extensive research which he was happy to share and requested that he was kept up to date with the proposals.
- Councillor Lawrence, Portfolio Holder for Community stated he felt that it was a very good presentation which raised a number of issues. He concurred with Councillor Bird's comments. In response to a query, Vicki Hopps confirmed that if any water supply was used for commercial use it was subject to testing. Councillor Back also welcomed the proposals.

6. **DATE AND TIME OF NEXT MEETING**

Councillor Groom thanked Brian Isted for his very informative presentation which had raised a number of interesting issues.

There being no pending business, no date was set for a further meeting.

The meeting closed at 6.53pm