

## Policy Development Scrutiny Committee



Date	21 October 2010
Venue	Town Hall, St Annes
Committee members	Councillor Fabian Craig-Wilson (Chairman) Councillor Kiran Mulholland (Vice-Chairman)  Brenda Ackers, Frank Andrews, David Chedd, John Davies, Leonard Davies, Kevin Eastham, Karen Henshaw JP, Elizabeth Oades, Elaine Silverwood, Heather Speak
Other Councillors	Cheryl Little, Paul Hayhurst
Officers	Mark Evans, Mike Walker, Clare Holmes, Annie Womack
Others	-

### Public Platform

Councillor Paul Hayhurst had requested to speak and the Chairman invited him to do so. Cllr Hayhurst explained to the committee that he lived in a rural part of the Fylde where there were only around 400 residents but there were 1336 caravans on 9 sites in the immediate area, many of which appeared increasingly to be quasi-residential. He spoke about the potential “time-bomb” effect on the local community and for the local authority. He asked the committee to keep a watching brief on the situation but did not advocate action at this time.

#### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council’s Code of Conduct adopted in accordance with the Local Government Act 2000.

#### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy Development Scrutiny Committee meetings held on 30 September 2010 as a correct record for signature by the chairman.

### 3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Kevin Eastham for Councillor Ben Aitken

### 4. Residential Use of Holiday Caravans and Chalets

Mark Evans (Assistant Director, Planning Services) made a presentation to the committee which set out the current position in terms of the main issues in seeking to control the unauthorised use of holiday caravans for residential purposes. The primary concerns as outlined in the accompanying report were:

- the perception that some people are improperly using their static holiday caravans as permanent residences as opposed to the 'holiday' use for which the site is authorised and licensed;
- that such people receive the full benefit of council and community services without being directly liable for council tax, and that, as they age, become a burden on local services such as health and housing (members had been advised that the decision as to who is and is not liable to pay council tax rests solely with the Valuation Office Agency - part of Her Majesty's Revenues & Customs - as opposed to the local authority); and
- that where residential occupants of these caravans declare themselves and are charged council tax, or claim housing benefit, no enforcement action is taken against them for occupying a holiday caravan as their permanent home, contrary to planning conditions.
- At no time has a satisfactory resolution been found to the problem because of the complex inter-relationship between various social issues, which cannot be resolved by Fylde planning officers in isolation from all other factors.

Mr Evans' presentation covered planning permissions, as they were in the 1940's, 50's, 60's and up to the present date; procedures that need to be followed if a breach is to be proven and an enforcement notice issued; the appeals process, costs and resources; the consequences for the council of taking action including potentially adverse publicity and resource issues; and also the consequences for the council of inaction, such as an unsustainable increasing population in rural areas, deterioration of accommodation and the inability to adapt such accommodation to the needs of the elderly and / or disabled.

Mr Evans' report to the committee had also outlined the background to the issues and gave a summary of the existing problems which work against effective enforcement action. It also explained what other local authorities with a similar situation had done.

He also drew to members' attention the chronology of previous considerations of the matter by committee, and the response from a minister in Communities and Local Government to a letter from Fylde asking for assistance in resolving the matter.

Some members expressed the opinion that the council should try to force action to remedy the situation from central government, by joining with other local authorities with similar problems to lobby MPs. In particular the role of the Valuation Officer could best be addressed by government.

The debate also covered such issues as the council's duty to rehouse in circumstances either of eviction as a result of enforcement, or the occupant of the caravan otherwise becoming vulnerable and presenting to the council as homeless.

It was suggested that the council should be proactive in taking action on the newer sites where permissions are more prescriptive, and members asked whether there was a single site which could be monitored and used as a test case. It was also proposed that a database should be produced which would give members information on the number of sites, how long they had been established (thus informing whether enforcement was not an option), number of static caravans on each site etc.

Members queried whether site owners should take ultimate responsibility for the regulation of occupation of their sites.

After a full debate the committee RESOLVED:

1. To form a Task and Finish group to examine the issues
2. To reaffirm the existing recommendations which had been endorsed by Cabinet which were:

To recommend that the more rigorous planning conditions agreed by cabinet in January 2009 continue to be impose on **new** planning applications for holiday caravan sites

- the caravans (cabins/chalets) are occupied for holiday purposes only
- the caravans (cabins/chalets) shall not be occupied as a persons sole or main place of residence
- the owners/operators shall maintain an up-to-date register of the names of all owners of individual caravans/cabins/chalets on the site. Their main home address and two forms of documentary evidence verifying the address; and shall make this information available at all reasonable times
- the owners/operators shall maintain an up-to-date register on a weekly basis of the names of all occupiers of individual caravans/cabins/chalets on the site, their main home address and where occupation exceeds three months in any six month period, two forms of documentary evidence

verifying the main home address; and shall make this information available at all reasonable times

3. To recommend that, having regard to the current level of resources for enforcement in the Development Control and Environmental Health licensing units, enforcement against any breaches of control be carried out on a case by case basis having regard to the availability of resources, an assessment of the enforceability of occupancy conditions on each individual caravan site and having regard to the planning and licensing merits of each case.

*There was no recorded vote as the Chairman decided that the matter was not controversial, and the resolution was carried by show of hands.*

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