

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	PUBLIC PROTECTION COMMITTEE	13 MARCH 2024	4
<b>CARAVAN SITE LICENSING - WEST END RESIDENTIAL PARK</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

#### RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Social Wellbeing (Councillor Chris Dixon).

#### PURPOSE OF THE REPORT

The current site licence for West End Residential Park does not reflect the Model Conditions 2008 for Caravan Sites in England issued by the then Department for Communities and Local Government. The Committee will be requested to update the licence to introduce the latest conditions.

#### RECOVERABILITY

This decision is not recoverable because it relates to:

A decision relating to the determining of any approval, consent, license, permission or registration

#### RECOMMENDATION

1. That the Committee considers approving the update of the site licence to reflect the latest edition of the Model Conditions.

### REPORT

1. West End Residential Park, Blackpool Road, Kirkham benefits from a site licence issued under the Caravan Site and Control Development Act 1960. The site is a relevant protected site as defined by the Mobile Homes Act 2013 and is currently licensed for up to 43 caravans.
2. Part of the site have been licensed since at least 1961, although there have been numerous changes of operators since first licenced. In December 2019 following a change of ownership, Prestige Trading Co Ltd applied for a new licence for the site which was subsequently issued in June 2020.
3. Unfortunately, it has come to light that when the site licence was issued, an older version of the Model Conditions was attached to the licence. The up-to-date Model Standards were issued in 2008 and the explanatory notes comment that, *"The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances*

*of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.”*

4. These standards incorporated a number of new requirements in relation to the maintenance of sites and flood protection measures, but also removed some requirements such as the requirement for a telephone.
5. The Guidance also comments at 3, “These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents’ Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition.”
6. Numerous complaints have been made to the Licensing Department from residents on site including the conditions of the roads, the general tidiness of the site, the adequacy of lighting etc. There are also challenges between some residents and the operator which do not necessarily relate to licensing issues which have been referred to the Property Tribunal by both parties.
7. The purpose of the report is to request the Committee to consider updating the schedule of conditions attached to the licence to the latest Model Standards, suitably adapted to reflect the arrangements on site.
8. Members should note that whilst the Licensing Team are seeking to encourage the operator to make improvements on site, the operator should be allowed a reasonable period of time after any licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
9. The Licence Holder has been made aware of our intention to update the conditions and has been invited to the meeting. Should the Committee be minded to approve the request, the licence holder may appeal the decision to the Magistrates Court within 28 days of being notified of it.

<b>CORPORATE PRIORITIES</b>	
Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

<b>IMPLICATIONS</b>	
Finance	There are no implications arising directly from the report
Legal	As contained within the report
Community Safety	There are no implications arising directly from the report
Human Rights and Equalities	There are no implications arising directly from the report
Sustainability and Environmental Impact	There are no implications arising directly from the report
Health & Safety and Risk Management	There are no implications arising directly from the report

### SUMMARY OF PREVIOUS DECISIONS

Whilst the site has been licensed since 1961, there have been no previous decisions relating to the current site licence and operator.

### BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Model Standards for Residential Sites	April 2008	<a href="#">Model-Standards-Residential-2008-1.pdf (fylde.gov.uk)</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	<a href="mailto:Chris.hambly@fylde.gov.uk">Chris.hambly@fylde.gov.uk</a> & Tel 01253 658422	23 <sup>rd</sup> February 2024