

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	21 NOVEMBER 2018	4
CARAVAN SITE LICENSING- PRIMROSE BANK CARAVAN PARK			

PUBLIC ITEM

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

SUMMARY

At a previous Public Protection Committee meeting Members proposed to include an additional site licence condition, for the site licence owner to maintain a register of names of owners/occupiers of individual caravans and to provide evidence of their main home address. Members must now consider, in the light of representations made by the licence holder, whether to confirm the inclusion of the additional condition.

RECOMMENDATION

1. To consider whether to confirm the additional condition of the site licence proposed by the committee at its meeting on 14 February 2018, relating to maintenance of a register and proof of evidence of individual caravan owners/occupiers main home address, taking into consideration the licence holder's representations.

SUMMARY OF PREVIOUS DECISIONS

The matter was initially discussed at the Committee meeting in February 2018, Members resolved to allow the site to operate all year holiday use and to include the additional condition to the site licence and to offer the licence holder the opportunity to make representations. The additional condition put to the license holder is-

- I. "Static holiday caravans shall be occupied for holiday purposes only and not as a person's permanent, sole or main place of residence".
- II. "The owners/operators of the caravan site shall maintain a register of all names of all owners/occupiers of individual caravans and evidence proof of their main home address, and shall make this information available at all reasonable times to the Local Authority".

18 July 2018: Committee considered whether to confirm the additional condition. See paragraph 9 of the report below.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

BACKGROUND

1. Primrose Bank Caravan Park, at High Moor Farm, Singleton Road, Weeton, is licenced by the council as a caravan site under the Caravan Sites and Control of Development Act 1960. Until earlier this year, the licence was subject to a condition requiring that the site be not used between 15 January and the last day of February in each year.
2. That condition was removed from the licence following an application from the licence holder, which the committee considered 14 February 2018. The effect was that the site licence now allows all year round use. However, a condition of the licence continues to require that caravans on the site be used solely as static holiday caravans.
3. The site benefits from two planning permissions (13/0531 and 15/0772) which permit touring caravans to be replaced by static caravans and allow caravans to be occupied for 12 months of the year. Conditions under the planning permissions require the caravans to be occupied for holiday purposes only and as not as a person's permanent, sole or main place of residence, and further require the owners/operators to maintain a register of names of all owner/occupiers and their main home addresses and to make this information available at all reasonable times to the Local Planning Authority. The reasons as stated in both permissions for these conditions include to ensure that the site is not occupied by owners as their permanent residential home.

THE PROPOSED ADDITIONAL CONDITION

4. When the committee removed the restriction from the site licence to allow all year round use, they were minded to include an additional condition to the site licence. The condition which the committee were minded to add to the site licence was as follows-
 - I. "Static holiday caravans shall be occupied for holiday purposes only and not as a person's permanent, sole or main place of residence".
 - II. "The owners/operators of the caravan site shall maintain a register of all names of all owners/occupiers of individual caravans and evidence proof of their main home address, and shall make this information available at all reasonable times to the Local Authority".

The additional condition would reproduce the requirements of the planning conditions, save that it adds further requirements to '*evidence proof of* the main home address of owners and occupiers, and to make that proof available to the local authority. The first additional condition duplicates the effect of the existing licence condition referred to in paragraph 2.

THE LICENCE HOLDER'S REPRESENTATIONS

5. Under section 8(1) of the 1960 act, a local authority must, before exercising their powers to alter the conditions of an existing site licence, afford to the holder of the licence an opportunity of making representations. Accordingly, the licence holder was consulted about the proposed additional condition.
6. They responded, that the wording for the site licence is ok except it may be better to change the reading of point II to read the following "*The owners/operators of the caravan site shall maintain a register of names and address of all owners/occupiers of individual caravans and, on request from an authorised officer from Fylde Borough Council, provide proof of this address*". Otherwise, the response continued, the licence holder would spend an awful lot of time gathering evidence from all owners which would not be used. The licence holder subsequently consolidated its representations in a letter dated 26 March, which is appended to this report.
7. The licence holder has been invited to attend or be represented at the meeting to amplify its representations and to assist members with any further information.

8. The committee is asked to consider, in the light of representations made by or on behalf of the licence holder, whether to alter the conditions of the licence by adding the condition set out in paragraph 4.

THE PREVIOUS COMMITTEE MEETING

9. The Committee considered a similar report to this one at its meeting on 18 July. However, that report omitted to draw the committee's attention to material representations that had been made by the licence holder. In the light of that omission, the decision made at that meeting was legally flawed in a material way and cannot be relied upon. The committee is therefore asked to consider afresh the issue of whether to alter the licence as proposed at its February meeting, taking into account this report, its appendix and the presentations and representations made at the meeting.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	As mentioned in the report, section 8 of the Caravan Sites and Control of Development Act 1960 allows the licensing authority to alter the conditions of an existing licence, including by adding conditions, but before exercising their powers the authority must give to the licence holder an opportunity of making representations. Conditions imposed on a caravan site licence must relate to the nature of the use of the land as a caravan park. Conditions attached for any other purpose may be beyond the powers given by the act.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ianc@fylde.gov.uk Tel 01253 658506	8 November 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Primrose Bank File	5 th July 2018	Chaseley Building, 1 st Floor, Room F21
Letter from Apps Legal Ltd	12 September 2018	Town Hall, Lytham St Annes

Attached documents

Appendix 1- Letter dated 26 March 2018 from the licence holder.