

CYNGOR SIR POWYS COUNTY COUNCIL.

Date 13th January 2022

PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

REPORT AUTHOR: Senior Licensing Officer

REPORT TITLE: Holiday Caravan Site Licence Conditions

REPORT FOR: Decision

1. Purpose

- 1.1 To consider approving, more concise, updated conditions to attach to Holiday Caravan Site Licences. The authority is currently using model standards that have not been updated since 1989. A consultation process with current licence holders will be required.

2. Background

- 2.1 The Licensing section is responsible for administering the licensing regimes for regulating caravan sites in Powys. Caravan sites are divided into 3 categories:

- Residential sites,
- Holiday Static Sites and
- Holiday Touring Sites.

This report is in relation to Holiday and Touring Sites only that are regulated under The Caravan Sites and Control of Development Act 1960. Residential sites have different, more modern legislation and model standards.

- 2.2 In Powys there are just over 200 licensed holiday and touring sites that vary in size. Many of these licences were first issued in the 70's and 80's. The licences don't ever expire but are often transferred as owners change.
- 2.3 The conditions that are attached to licences are based on model standards that date back to 1983 & 1989, these model standards have never been revised or revisited. It is considered that these conditions are in need of modernising and as part of a Four Counties Licensing Forum that includes Pembrokeshire, Powys, Ceredigion and Carmarthenshire a revised set of holiday and touring site license conditions were drafted and finalised in the early part of 2020
- 2.4 There are separate conditions for Touring and Static holiday sites, the existing conditions are attached at Annex A, whilst the updated

conditions are attached at Annex B. One of the notable differences between the 2 sets of conditions is the removal of references to fire safety conditions which are replaced by a requirement to comply with , The Regulatory Reform (Fire Safety) Order 2005 (“ the Order”). Indeed , paragraph 43 of the Order that whenever the Order applies in relation to the premises, any term, condition or restriction imposed by the licensing authority has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this Order. In other words, the fire safety conditions in the existing Licence are redundant as the premises have to comply with the Order.

- 2.5 The revised conditions are not expected to place any undue additional burdens on site owners as there is no evidence of a need to raise the current standards, the purpose of the revised conditions is so that they will be more concise, up to date and clearer to understand. It is intended that they would apply retrospectively to all existing site licences. Section 8 of The Caravan Sites and Control of Development Act 1960 allows for the conditions attached to a site licence to be altered at any time, but before exercising their powers the local authority shall afford to the holder of the licence an opportunity of making representations
- 2.6 In line with statutory requirements (section 8 of the Caravan Sites and Control of Development Act 1960) any revised conditions will therefore need to go through a consultation process. In addition, the Fire Authority will also be a consultee, and indeed they have been involved in the drafting of the proposed conditions.
- 2.7 Should the committee approve the revised conditions then the authority will consult with current site licence holders and provide them with a copy of the proposed revised conditions and allow them a period of 28 days in which to make representations.
- 2.8 Any relevant representations will be presented back to this committee for consideration. Should there be no representations to consider then the process of applying the new conditions will commence
- 2.9 Revised conditions will apply to all sites on completion of this process and site owners will be notified of the date in due course, likely to be Spring/Summer 2022. In the event that site owners will be required to carry out any works to meet the new standards, this is only likely where they do not meet current standards, then they will be given a reasonable amount of time to achieve compliance.

3. Advice

- 3.1 To approve the draft revised standard licence conditions in Appendix B to be attached to holiday and touring caravan sites to go out for consultation. Consultation will be for a period of 8 weeks. The justification for this advice is that

- The current conditions are in excess of 30 years old and need to be brought up to date at least to reflect the changes brought about by The Regulatory Reform Order (Fire Safety) 2005,
- They are an improvement to the current conditions as they are more concise, simplified and clarify the requirements placed on site owners
- They have been considered at length and drafted by other suitably experienced local authority licensing officers who are members of The Four Counties Forum with input from the Fire Authority
- This option will lead the way for a consistent approach across the Four Counties region

4. Resource Implications

- 4.1 This places no extra burden on site operators who already comply with their current conditions. There will be some resource implications for licensing staff, officer time to consult with the existing licence holders, deal with any queries and responses, this can be met within existing resources

5. Legal implications

- 5.1 There is a statutory requirement to consult with licence holders

6. Data Protection

- 6.1 There are no implications for processing of personal data in the consideration or approval of this report.

7. Comment from local member(s)

- 7.1 N/a this is a Powys-wide decision

8. Integrated Impact Assessment

- 8.1 The proposals do not pose any additional burdens on existing licence holders who should be compliant with the current conditions

9. Recommendation

- 9.1 To consult with existing licence holders on updated Holiday Caravan Site Licence conditions for a period of 8 weeks. Any relevant representations will be brought back to this committee for consideration. If there are no relevant representations then site owners will get written confirmation of the revised conditions that apply to their site.

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