

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



18 March 2015

EXECUTIVE - Tuesday 31 March 2015

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following:-

15. Park Homes in Central Bedfordshire - A Unique Environment and Place to Live

Attached are the appendices referred to at the end of Appendix A.

Should you have any queries regarding the above please contact Sandra Hobbs, Committee Services Officer on Tel: 0300 300 5257.

Yours sincerely

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Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5



Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5

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Introduction

- 1.** Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
- 2.** These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers.
- 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).
- 4.** The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
- 5.** The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.

6. In the model standards any references to “site” includes a park home site (including a mobile home site) and to “caravan” includes a mobile or park home.
7. This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

8. The 2008 Standards replace the document “Model Standards 1989: Permanent Residential Mobile Homes Sites”. When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.

- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) Roads shall be maintained in a good condition.
- (ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

- (i) Every unit must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

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Preface

1. These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
2. The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
3. These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.
4. In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

5. The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
6. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.²

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

- 7.** The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
- 8.** A licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition⁶.
- 9.** It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
- 10.** The local authority may apply to the court to have a licence revoked if the licence holder has been convicted on two or more occasions of breaches of licence conditions⁹.
- 11.** The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
 - Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

³ Section 5 (1) to (5). For restriction see *Mixnam's Properties v Chertsey UDC A.C. 735*.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

⁹ Section 9 (2).

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

- 12.** The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
- 13.** The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travellers or agricultural workers. 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.
- 14.** The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
- 15.** The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.
- 16.** There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
- 17.** Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com.

Enforcement

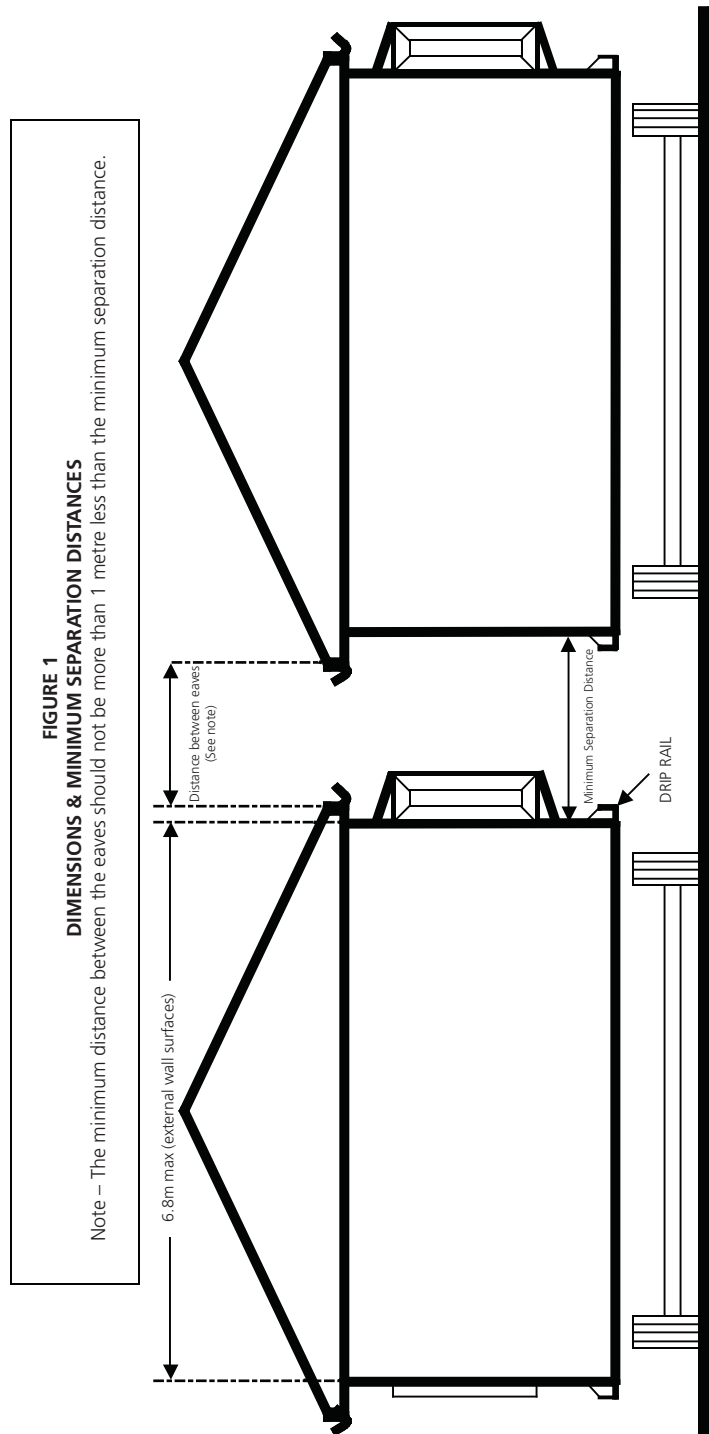
- 18.** Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk .
- 19.** Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
- 20.** When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

- 21.** The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
- 22.** Plans of the site shall be provided to the local authority at the site owners' expense.
- 23.** It is best practice for copies of the plan to be made available to the emergency services.
- 24.** The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
- 25.** The 3 metre separation distance measurement should be taken from the caravan wall.

Density, Spacing and Parking Between Caravans

26. The 6 metre separation distance is required for two reasons:
- Health and safety considerations; and
 - Privacy from neighbouring caravans.
27. A diagram explaining the separation distances is attached below.



- 28.** If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
- 29.** For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
- 30.** Porches should not render the home incapable of being moved, which means they should be demountable.
- 31.** If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non combustible model.
- 32.** At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

- 33.** In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
- 34.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

- 35.** Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmacadam (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.

- 36.** Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk .
- 37.** Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.
- 38.** In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:
- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
 - If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.

Further advice on minimum clearances is available from the Health and Safety Executive.

- 39.** It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.
- 40.** The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

- 41.** Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

- 42.** The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

- 43.** It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

"A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary."

- 44.** Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

- 45.** When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
- 46.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
- 47.** Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Maintenance of Common Areas, including Grass, Vegetation and Trees

- 48. Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
- 49. Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
- 50. The common parts of the site (including roads, paths and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure non combustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

Supply and Storage of Gas etc

- 51. The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, [uklpg](http://uklpg.com), www.lpga.co.uk, also has information which may be of use.
- 52. Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk .

Enforcement

- 53. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.

- 54. Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
- 55. All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

- 56. The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
- 57. A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
- 58. It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
- 59. All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

- 60. In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
- 61. Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

- 62.** OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk . In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com .

Enforcement

- 63.** With the majority of well established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
- 64.** As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
- 65.** All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

- 66.** As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
- 67.** It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
- 68.** It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

- 69.** In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

- 70.** Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
- 71.** All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

- 72.** If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
- 73.** The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it, and require him to provide the necessary receptacles etc on the site.

Communal Vehicular Parking

- 74.** Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
- 75.** Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

- 76.** This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
- 77.** It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for

recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

- 78.** On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk.

Notices and Information

- 79.** It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
- 80.** The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
- 81.** The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable sites or a notice board located at the entrance to or in a central part of the site.

Flooding

- 82.** It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.

83. The site should be included in any local authority flood evacuation plan.
84. Advice on flood risks is available from the Environment Agency website: www.environment-agency.gov.uk
85. It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

86. The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disapplies some fire related standards that may be in current site licensing conditions. It applies to all non domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
87. On such sites the local authority should advise the 'responsible person', who will be the licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.
88. However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
89. Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
90. The Communities and Local Government website: www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

- 91. The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
- 92. In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

- 93. The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
- 94. The siting of the fire points should be so that they are visible at all times, and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
- 95. Fire Points are the places on sites where fire fighting equipment is stored, ready for use by anyone in the event of an emergency.
- 96. If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
- 97. Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.
- 98. Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

- 99.** A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:
- Pumps and buckets are likely to be vandalised or stolen.
 - Pumps and buckets are inadequate for fighting a fire.
 - A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

- 100.** The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

- 101.** It is important that all fire warning systems and fire fighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

- 102.** The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

- 103.** The main enforcer for the Order is the Fire and Rescue Service.

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Appendix B
Park Home Site Licensing - Historic Breaches
Standards 2015

1. Introduction

The Mobile Homes Act 2013 brought about a significant reduction in the role and influence that Park Homes Site Owners could have in the sale and transfer of park homes. As such there is less scope for them to be able to address historic breaches upfront of a sale or transfer which could result in the new owner of a park home being unfairly penalised if they were unaware of the need to remedy a breach until after they had purchased the park home.

The 2011 Historic Breaches Policy has therefore been updated to these standards to remove the instances where breaches are to be remedied at point of sale or transfer.

It is important to note that these standards only relate to breaches caused by the retrospective application of site licence conditions. New breaches will be dealt with in the normal manner using the powers of the Caravan Sites and Control of Development Act 1960 where appropriate.

2. Breaches relating to outbuildings, timber sheds and other combustible garden structures

Where the location of a timber shed, outbuilding or other combustible structure is within the fire separation space it should be removed. Where there is imminent risk of fire then remedial works must be carried out within 3 months (or shorter prescribed period if deemed necessary) of notification by the Council to the site owner.

Where the Council determines that no significant risk of fire exists and access by the emergency services to all elevations of a park home is not impeded then the breach should be remedied when the park home is removed or replaced such as when it has been deemed as being at the end of it's life due to it's condition.

In any other situation the breach should be remedied by 1st April 2016 (this date was set in the 2011 Policy to provide 5 years notice).

Reason

To ensure, where there is no imminent risk, that breaches relating to sheds, outbuildings, other garden structures are removed at an appropriate time. The second hand value of sheds is very low and therefore the removal of such a structure will have a negligible impact on the value of the home.

3. Breaches relating to porches, extensions and other additions to a park home

Any porch, extension, or other addition to a park home that is in breach of the site licence conditions relating to the legal definition size requirements or spacing standards must be removed or altered to rectify the breach within the timescales stipulated in the summary shown in section 8 below. This also applies where a park home without an addition described above exceeds the legal definition size requirements.

Where the Council determines that no significant risk exists and the spatial distances exceed the minimum provided for by the models standards the breach is to be remedied when the park home is removed or replaced such as when it has been deemed as being at the end of it's life due to it's condition.

Reason

To ensure any breaches in site licence conditions relating to the legal definition size requirements or spacing standards from porches, extensions, and other additions are rectified at an appropriate point in time for each pitch while minimising the upheaval for an existing resident.

4. Breaches in separation distances between adjacent park homes

Where the breach on the spacing is minor and the intrusion into the separation zone is no greater than that allowed under the Model Standards 2008, or where the Council deems that no significant risk from spread of fire exists such a breach may be permitted to exist without the need to carry out any remedial works until the park home is removed or replaced such as when it has been deemed as being at the end of it's life due to it's condition.

In all other cases the breach in site licence conditions regarding the separation between adjacent park homes must be rectified within the timescales stipulated in the summary shown in section 8 below.

Where it is not possible to move or relocate a park home to comply with the site licence conditions, the Council will consider alternatives to compensate for any fire safety issues resulting from the breach

Any alternative works must be accepted/recognised solutions and approved by both the Council and the Fire Safety Officer**.

Reason

These standards will ensure spacing breaches are addressed at an appropriate point in time whilst minimising the impact for existing residents.

The inclusion of the clause allowing approved alternative works will cover situations where it is not practical or possible to relocate an existing park home.*

The inclusion of standards relating to minor breaches would negate the need for remedial action where the breach does not constitute any risk that is no greater than the addition of an enclosed porch as permitted under the current model standards.

5. Breaches relating to the distance between park homes and the site boundary

Where the breach is minor and the Council deems that no significant risk from spread of fire exists such a breach may be permitted to exist without the need to carry out any remedial works until the park home is removed or replaced such as when it has been deemed as being at the end of it's life due to it's condition.

In all other cases the breach in licence conditions regarding the distance of a park home from the boundary must be rectified within the timescales stipulated in the summary shown in section 8 below.

As with section (4) above, the Council will consider alternatives to compensate for any fire safety issues resulting from the breach.

Any alternative works must be accepted/recognised solutions approved by both the Council and the Fire Safety Officer**.

It should be noted that the level of risk may change as a result of change of use on the other side of the boundary fence, which may result in a change in the requirement to remedy the breach.

Reason

As with section (4) above these standards will ensure breaches in the condition relating to the distance between park homes and the site boundary are addressed at an appropriate point in time whilst minimising the impact for an existing resident.

The inclusion of the clause allowing approved alternative works will cover situations where it is not practical or possible relocate an existing park home.*

6. Breaches relating to the distance between park homes and roads/communal car parks

Where the breach is minor and the Council deems that no significant risk exists such a breach may be permitted to exist without the need to carry out any remedial works until the park home is removed or replaced such as when it has been deemed as being at the end of its life due to its condition.

In all other cases the breach in licence conditions regarding the distance between the park home and the road or communal car park must be rectified within the timescales stipulated in the summary shown in section 8 below.

As with section (4) above where it is not possible to move or relocate a park home to comply with the site licence conditions, the Council will consider alternatives to compensate for any risks resulting from the breach.

Any alternative works to resolve the breach must be accepted/recognised solutions and approved by the Council**.

Reason

These standards will ensure breaches in the condition relating to the distance between park homes and roads and communal parking areas are addressed at an appropriate point in time whilst minimising the impact for an existing resident.

The inclusion of the clause allowing approved alternative works will cover situations where it is not practical or possible relocate an existing park home.*

7. Replacement Park homes, sheds and other structures

All new park homes, sheds, porches and other structures must comply with the site licence conditions. This includes where any such structure is a replacement of an existing structure that is deemed to be an historic breach under the site licence conditions.

Reason

This is to ensure all new structures are in compliance with the site licence conditions at the time of their construction/installation and that an existing breach is not carried over to any new structures.

8. Summary

The following table summarises the timescales in which an appropriate remedy should be in place for the various breaches of conditions covered by these standards. This is only an “at a glance guide” and therefore please refer to the text in the above sections for more detail.

Condition breached	Required timescale for remedy		
	Imminent risk	Risk	No significant risk
Combustible garden structures	3 months or less	1 st April 2016	End of life of unit
Porches extensions etc	3 months or less	1st April 2016	End of life of unit
Separation between units	3 months or less	1st April 2016	End of life of unit
Fences between units	3 months or less	1 st April 2016	End of life of unit
Distance between units and site boundary	3 months or less	1st April 2016	End of life of unit
Distance between units and roads and communal car parks	3 months or less	1st April 2016	End of life of unit

** Where it is not possible to move a park home to rectify a breach on one side without incurring a new breach or exacerbating an existing breach in the spacing standard on the other side of the park home.*

Where moving or relocating a park home is likely to have a marked detrimental effect on its structural integrity as a result of the stresses placed upon it during its relocation.

Although park homes are defined as mobile structures they do settle over a period of time. Relocating a park home that has been static for some time will result in flexing that can weaken its structural integrity which would otherwise be satisfactory if it remained in situ.

Without including flexibility to consider alternatives to relocating a park home that is in breach of this standard such a home would be rendered

worthless where it is not practical or possible to relocate it. Park homes are a major financial commitment for their owners and the prospect that their property has no financial value will materially effect their reasonable enjoyment of their home. The inclusion of alternatives to relocating an existing park home provides flexibility whilst ensuring that safety issues are addressed.

*** Breaches will be considered on a case by case basis. If it is deemed that the breach represents an imminent risk then remedial works will be required to be carried out within 3 months (or shorter prescribed period if deemed necessary) of notification by the Council to the site owner*

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Appendix C

**Park Home Strategy Resident Engagement Event, 22nd January 2014
Workshop Feedback**

The following two questions were posed at the Park Home Strategy Resident Engagement Event in order to capture qualitative data to feed into and help shape the Council’s developing Park Homes Strategy:

- 1. What issues/problems do residents face specific to living on a park home site?**

- 2. Bearing in mind the issues/problems raised what do you think an overarching park homes strategy should include which may help to address these issues?**

Problems/issues raised
Maintenance <ul style="list-style-type: none"> • Road sweeper • Gritting/snow clearance • Lighting
Bridal path <ul style="list-style-type: none"> • Collingwood Park, Caddington
Clarity of information
Need for leaflet/booklet covering all areas
Dedicated Council personnel need to deal with issues/problems
Access to internet
Are Park Managers necessary?
Health and Safety (inc. Fire)
Lack of information on rights
Resolving problems on site with site owner
Receiving and sharing of information
We consider the licence fee is a business expense that should be born by site owner and not passed onto the residents as we pay Council Tax already.
Fees – lack of clarity
Duty of care to Owners
Proportion of park home fee’s for maintenance
What maintenance site owners should carry out
Stop regarding Park Homes as a problem, but an asset
Fair rent for Park Homes – never legally established
Explanation/definition of “implied terms”
The site owner should not pass on more than the individual pitch fee (i.e. should not make existing residents pay for fees on empty pitches). The site fee should be charged separately from the license fee otherwise it will go up at 5% or 6% the same as the site fee does and it won’t be clear.
Clear points of where the site owner is responsible and a clear escalation process and service standards to enforce this: i.e. What is the Council responsible for enforcing, how long will it take to get a

reply, what are the consequences for the site owner of not complying? Where can the residents go if the issue is not resolved 6 months or a year after contacting the Council? If a resident becomes ill or is injured as a result of poor maintenance by the site owners, how can they proceed?
Particular focus on: Maintaining site amenities and utilities: Lighting, access and sewerage, flood prevention and drainage. Cutting down trees/undergrowth on the site in general.
Who is responsible for ensuring emergency access? If this is not the Council, then please provide contact details for somebody who can enforce this.
If private roads are owned by site owners then can the Council get them to maintain these properly? What about gritting in snowy weather - elderly people are trapped in their homes in such weather?

Resolutions suggested
Should have contact details on site notice board
L.A. to enforce breaches in site licence condition i.e. <ul style="list-style-type: none"> • Contact details on notice board • Maintaining Road • Lighting
Provide relevant information to the park, which could be downloaded from the internet, for those how don't have computer access
Another event like today – after 1 st April to see how progressing with site rules.
More pro-active
To be informed/dedicated officer deals with which site and full contact details.
Access to site by emergency vehicles
Memorandum of understanding between Fire Service and Local Authority
More resident events
More information on all aspects of this and in an easy read and user friendly format.
Need to have an effective site manager
Resident involvement in recruitment of site manager
Resident newsletter
Feedback on outcome of consultation and fee's policy/wider park homes strategy
Housing matters – CBC magazine to receive information from Council
On-going information
Happy to have been involved – We would like non government people to be involved i.e. charitable.
Set up helpline for Park Home Residents
Continuity of staffing
Knowledge of staff
Acceptance of responsibility – now have resources
Regarding Park Homes as an asset in releasing family homes
Clear guidance on what will happen to residents in the event that a site

owner's license is revoked. There is a feeling that site owners are not held to account because the Council doesn't seem to have a "stick" to wave at them – they can't actually lose their license because there aren't contingency plans to manage the site in their absence, and they pass any fines back on to the residents, so they just ignore their responsibilities.

Could the strategy provide case studies to help them to understand how to proceed when they have an issue?
--

Could you provide a draft constitution and instructions/links to resources for resident's associations to make it easier to set these up?

Summary of theme/s emerging from the data presented in this report:-

The need for - Clear, concise and up-to-date information in accessible format e.g. leaflet/booklet on the following:

- Terminology – Glossary of terms
- Fees and licencing levels and types
- Responsibility and duties of the Council
- Responsibility and duties of Site Owner
- Responsibility and duties of Resident
- Site Rules
- Further resident events
- Access and maintenance to site and on site.

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Appendix D

Park Home Site Owner Engagement Event – 30th September 2013

Feedback from the above event was as follows:

1) Implications for Site Owners - How can these be overcome?

- The resident should be put on notice by way of a letter for any breach.
- Implication – The owner should not be held responsible in any way for any breaches not passed on, transfer of home.
- No Land Registry requirement, again responsibility is always with the owner of the park – very unreasonable.
- Appears as park owner this new legislation is victimising us.
- Sales process needs better definitive clarification – because a gap in the information required by the vendor to the purchaser. Info Pack?
- Too much responsibility put on site owner – taken the involvement of the owner from the sales process but put the entire onus on the park owner for breaches etc.
- Purchasers not getting correct information from sellers
- Estate agents, lawyers, sellers – not understanding the process (and asking the park owner for guidance).
- Peculiarities of individual pitches “nuances” not passed on.
- No guidance on what might constitute ‘Sale Blocking’.
- Inability to remedy historic breaches - no duty on sellers to notify buyers – no ability for park owners to warn buyers, could be addressed by information to residents?
- Inability to stop “undesirable” residents from buying.
- Need to protect majority of occupiers.
- Increased cost/time to apply to FTT.
- Risk of park owner being misled/defrauded out of commission on sales, i.e. if sale price incorrectly advertised to park.

2) Implications for Residents - How can these be overcome?

- Suitability of new resident.
- Interference from new residents who are in breach.
- New p/fee and cost of the licensing and how these residents are going to react to the increased cost of p/fee.
- Remaining residents unsettled by lack of knowledge of who will be joining the community.
- New homeowner in clear contravention of park rules (e.g. under 55, dogs) has to be challenged at the park owners expense.

- Infiltration of an “undesired” element onto the park.
- Property investors not contributing to the residential community.
- Potential for money laundering.
- Questionable valuations by inexperienced estate agents.
- Historical breaches could remain.

3) What should a Park Homes Strategy cover?

- Cost of licenses
- Who’s paying
- Redress – needs to be a fair and transparent balance for both sides – seems very one sided.
- Why Now?
- Rogue elements
- Ask the residents!
- Can 6m from adjacent caravan and 3m from site boundary be measured with preference to be less due to modern construction methods of new park homes?
- Review in general site licence conditions.
- Information being provided by the LA to purchasers/homeowners/park owners.
- Any future increases in fees should be limited to RPI so park owner can re-coup.
- Regular consultations with park owners.
- Consistent approach re historic breaches/enforcement
- One contact at council for all licensing issues.
- Register of approved advisors.



Appendix E

**Central Bedfordshire Council
Housing Solutions Enforcement Policy**

Directorate	Social Care Health and Housing
Service	Housing Solutions
Author	Terry Gilbey Housing Assistance Manager
Reviewed	11 th November 2014

1. Introduction

1.1 The Housing Solutions Service is responsible for enforcing a wide range of Statutory provisions relating to housing and environmental conditions affecting health and safety.

1.2 The objectives of the service are to:

Improve the condition and quality of housing in Central Bedfordshire

Improve the standards of homes in the private sector

To assess local housing conditions

To reduce the number of properties with serious risks to health and safety

To reduce the number of vulnerable households living in non decent homes

To improve the energy efficiency and warmth of homes and to help reduce fuel poverty

To improve the standards in HMOs (houses in multiple occupation).

To work closely with private sector landlords towards improving conditions and the standard of management of private rented housing

To provide an excellent service that is accessible to anyone living in the private sector that may have poor living conditions

To reduce the number of empty properties in Central Bedfordshire
To deal with homelessness and provide a range of housing options and pathways
To discharge homelessness duty to suitable private rented accommodation where appropriate
To provide temporary accommodation
To administer the Housing Register in line with the allocations policy
To provide Local Welfare Provision

1.3 The Housing Solutions Service works both **reactively and proactively**.

Reactively the service will respond to:

- Private sector tenants who contact the Council with complaints about disrepair or poor conditions within their home.
- Complaints about properties that may be causing problems for neighbouring properties.
- Enquiries from owner-occupiers or private tenants and landlords who would like advice about housing conditions.
- Allegations of harassment and illegal eviction
- Enquiries for advice about the legal minimum housing standards, particularly in HMOs (houses in multiple occupation).
- Complaints about disrepair or poor conditions on licensed caravan sites.
- Deal with enquiries about disabled facilities grants (DFGs), discretionary loan/assistance, local welfare provision.

Proactively the service will:

- Identify the general types and conditions of the private sector housing stock by carrying out surveys of Central Bedfordshire.
- Operate a programme of inspections for any HMOs discovered in Central Bedfordshire.
- Operate a programme of inspections for all licensed caravan and mobile home sites in Central Bedfordshire.

- Take part in educational forums for landlords about the standards required for letting properties.

- 1.4 This policy deals with the practical application of enforcement procedures that will be used to achieve statutory housing and environmental standards. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from officers.
- 1.5 Enforcement, in the context of this policy is not limited to formal enforcement action such as prosecution, but includes for example the inspection of premises for the purpose of checking compliance with legislation and provision of advice.
- 1.6 This policy seeks to support the Council's corporate aims, objectives and strategies with respect to private sector housing.

2. Principles of Good Enforcement

- 2.1 Any enforcement action will be compliant with relevant legislation and guidelines in line with the principles of good enforcement action outlined in the regulators compliance code.
- 2.2 When regulating businesses, officers of the Council will adopt the principles outlined in the Hampton Report "Reducing administrative burdens: effective inspection and enforcement", and any subsequent legislation
- 2.3 These principles are:
- Regulators, and the regulatory system as a whole, should use a comprehensive risk assessment to concentrate resources on the areas that need them most;
 - Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;
 - No inspection should take place without a reason;
 - Businesses should not have to give unnecessary information, nor give the same piece of information twice;
 - The few businesses that persistently break regulations should be identified quickly;
 - Regulators should provide authoritative, accessible advice easily and cheaply; and
 - Regulators should recognize that a key element of

their activity would be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

- 2.4 Enforcement action will be in accordance with the Regulator's Compliance Code, the statutory code of practice for regulators that came into force on 6th April 2008.
- In exercising their duties and other functions, officers will seek to do so in a firm but fair, open and consistently helpful way.
- 2.5 **Standards:**
We will draw up clear standards setting out the level of service and performance the public and business people can expect to receive.
- 2.6 **Helpfulness**
We believe that prevention is better than cure and that our role therefore involves actively working with landlords and businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage landlords to seek advice/information from us. Applications for approval of licenses etc will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays.
- 2.7 **Consistency**
We will minimise the costs of compliance for landlords and business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.
- 2.8 **Openness**
Means explaining actions clearly in plain language and discussing compliance failures or problems with anyone experiencing difficulties. A clear distinction will be made between legal requirements (what must be done) and advice or guidance (what is desirable).
3. **Shared Enforcement**
- 3.1 The range of enforcement matters dealt with by the Council in this policy area is such that there may well be occasions when there is a need to work with other agencies, for example the Fire Authority or the Health and Safety Executive, by carrying out joint inspections.
- 3.2 In determining the most appropriate form of investigation and

enforcement action, officers will have regard, so far as they are aware, to any potential or existing action of other Council services or outside agencies.

- 3.3 Where matters are identified by, or reported to our officers that are the enforcement responsibility of another Council service or outside agency, persons involved will, so far as is reasonably practicable, be informed that the matter will be referred to the appropriate service or agency.
 - 3.4 Where enforcement action is being taken by another Council service or outside agency, we will provide all reasonable assistance including the production of witness statements and collection and sharing of evidence etc. subject to any legal constraints and the meeting of any reasonable expenses.
4. Levels of enforcement action
- 4.1 The actions available to the Housing Solutions Service to improve the standards of private sector housing are broadly divided into 2 categories; Informal and formal action.
 - 4.2 Officers are authorised to operate the service according to this policy and prepare and carry out enforcement work where necessary on behalf of the Council.
 - 4.3 Council officers will seek compliance with legislation by one or more of the following:

Advice and guidance:

To assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by providing both information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems.

Informal warnings:

These will be used to reinforce advice and guidance where minor breaches of the law may have been discovered but it was not thought appropriate to take formal action. These warnings will be written. Where warnings are issued, follow-up visits will normally be made to ensure the problem is being rectified. Warnings issued in respect of significant breaches of the law will include timescales within which the breaches should be remedied and will always result in follow-up visits to ensure compliance.

It should be noted that it is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away.

Formal enforcement:

This includes the use of statutory (legal) notices, simple cautions and prosecution. Such action will normally be taken when informal action has failed to achieve a satisfactory resolution and in instances where there is a failure to comply with a notice within the specified time period or there is a subsequent breach of the regulations

Immediate action:

This includes the power to take emergency action by entry to premises, if necessary and making safe areas or articles which are a cause of imminent danger of serious harm.

- 4.4 Enforcement will normally progress through the advice/informal stages before formal enforcement. In serious cases, where the offence involves a significant breach of the law such that the residents health, safety, environment or well being is or has been put at risk, it may be appropriate to commence formal enforcement immediately. Examples of when this may be relevant include offences of harassment and illegal eviction under both the Protection from Eviction Act 1977 and the Caravan Sites Act 1968.

The following guidance will be followed where formal enforcement options are being considered.

- 4.5 **Power to Charge for Enforcement Action**
Section 49 of the Housing Act 2004, allows the Council to make a reasonable charge as a means of recovering expenses incurred in serving the following;

An improvement notice.
Making a prohibition order.
Serving a hazard awareness notice.
Taking emergency remedial action.
Making an emergency prohibition order.
Making a demolition order.

The expenses are in connection with the inspections of the premises, subsequent consideration of any action to be taken, and the service of notices.

Section 9C of the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) allows the Council to make a reasonable charge as means of recovering expenses incurred in serving a compliance notice in relation to a park home site. Section 9F of the CSCDA 1960 allows for the Council to recover expenses in relation deciding whether to take action, serving enforcement notices and carrying out the specified works in relation to both emergency action (Section 9E) and

works following conviction for failing to comply with a compliance notice (Section 9D).

5. **Sanctions**

5.1 If the recipient of a notice does not comply with the notice, the Council has various sanctions it can impose. Depending on the type of notice served, non-compliance can be:

- Not doing any work at all,
- Not starting the work by the time specified within the notice,
- Starting the work but then not making reasonable progress, or
- Starting the work and then not finishing it.

5.2 **Works in Default**

Works in default is a power given to the Council, to ensure work is carried out to a property. If the recipient of the notice does not do the work required by the notice, the Council may employ a contractor to enter the property and carry out the work itself. The Council will charge the appropriate person for the cost of the works together with the costs involved in arranging for the work to be done.

It should be noted that carrying out the work in default does not exclude the Council from issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and to consider if it is appropriate to take further action. In fact, in the case of non-compliance with a compliance notice served under Section 9A of the CSCDA 1960, works in default would only be possible after a successful conviction for breach of licence conditions.

There are various methods by which the Council can recover the costs incurred in carrying out the work in default, dependent on the type of notice that has been served.

5.3 **Sundry debtor method**

Using this method the Council will send out the appropriate person an invoice requesting payment. The Council's Finance Department will then be responsible for recovering the owed monies with placing a specific financial charge on the property an option should other methods fail.

5.4 **Charge on the property**

The Council can put a charge on a property. The charge remains in place until the Notice is complied with and, in the case of the Council carrying out and paying for works in default, until the debt is cleared. If the property is made available for sale a local land charges search by the purchaser's solicitor will show the outstanding Notice and trigger the repayment to the Council from the proceeds of the sale – before the seller

obtains his payment.

- 5.5 **Sequestrating rents**
The Council is entitled to serve Notice on the appropriate person to reclaim the costs of the works in default. In some cases, if this Notice is not complied with (i.e. the costs are not paid) the Council can then serve a Notice on the tenant requiring him to pay the rent direct to the Council until such time as the costs are recovered.
- 5.6 **Forcing sale of the property**
The ultimate method by which the Council can reclaim its costs is to bring about the sale of the property. The proceeds of the sale will be given to the owner less the amount owed for the work in default, and less the amount incurred by the Council in selling the property.
- 5.7 **Simple Caution**
An alternative to prosecution is a Simple Caution. A Simple Caution is where an offender is given written details of the offence and he or she signs to say that he or she admits the offence. A simple caution is not a conviction, although it does form part of an offender's criminal record and may be cited in subsequent proceedings.
- 5.8 The Council keeps a record of the caution for a period of three years and it may subsequently influence a decision to instigate proceedings should the offender break the law in the future. It may also be cited in court if the Council takes legal action for any subsequent offence.
- 5.9 **Prosecution**
Non – compliance with any of the Notices referred to in this policy document is generally a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.
- 5.10 **Revocation of a Park Home Site Licence**
The Council may apply to the courts for a licence to be revoked upon a third or subsequent conviction for not complying with a compliance notice.
6. **Taking Action and Imposing Sanctions**
- 6.1 The decision to take informal or formal action will be made by the officer in charge of the case in consultation with the relevant manager.

In deciding whether to issue a simple caution or proceed with a prosecution, the initial decision will be made by the officer in charge of the case in consultation with the relevant manager.

Having prepared the case and collected the evidence, officers will then consult the Council's Legal Section to discuss the merit of the action proposed. If the sanction is agreed by Legal Services, the Legal Service or external solicitor will be requested to commence legal proceedings or, where appropriate, a simple caution will be issued.

6.2 **When enforcement Action will be taken.**

Enforcement Notices are not served lightly. They are issued when there is no alternative and when reasonable attempts have been made to achieve the necessary action voluntarily.

In determining whether or not to serve a notice each case is looked at individually and the following factors by way of example only are taken into account;

The effects of the situation on the health and safety of those affected.

The intentions of the perpetrator in respect of those affected.

Any previous complaints about the perpetrator or formal action taken against them for similar situations.

The future life of any property involved.

The willingness of the perpetrator to correct any problems without the need for formal enforcement action.

6.3 The above list is non exhaustive and as each case is considered on its merits, will need to take into account factors relevant to the case in hand.

6.4 **When we will impose sanctions**

In all cases when an offence is committed, consideration will be given as to whether a sanction should be imposed and if so, which one. In some cases it may be appropriate to impose two sanctions for example, carrying out the work in default and also prosecuting the offender.

6.5 **Works in default**

When determining if work in default is appropriate, officers will consider the following:

The reason for non-compliance to the original notice.

The effects of not carrying out the work on the health and safety of those affected.

The wishes of the tenant where the Notice has been served in respect of a rented property.

The reason for the work not being carried out in the first place.

This is not an exhaustive list and other factors may be taken into account.

6.6 Caution or Prosecution

Prosecution

The decision to either offer a simple caution or take prosecution is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others.

- 6.7 Each case is unique and must be considered on its own merits. However, there are general principles that apply to the way in which officers decide whether an action should be applied and if so which one. The decision to offer a simple caution or to take a prosecution will be made by the Council's Legal section in consultation with the relevant manager. There are two overarching tests used by this Section in determining whether to impose a sanction. These are the evidential test and the public interest test.

6.8 The Evidential Test

Enforcement officers must be satisfied that there is enough evidence to provide a realistic prospect of conviction. This involves considering what the defence may be and how it affects the prosecution case. It is an objective test and means that a court is more likely than not to convict the offender of the charge alleged. This is separate test from the one the criminal courts will apply; a court should only convict where it is sure of the defendant's guilt.

- 6.9 In deciding whether there is a realistic prospect of conviction, consideration is given to matters such as:

Is the evidence admissible in court? There are certain legal rules that might mean that evidence that seems relevant might not be used at a trial.

Is the evidence reliable? Officers must consider whether there is evidence that may detract or support any admission by the offender.

Officers have to consider the witness they may use and whether there are concerns about their accuracy or credibility.

This is not an exhaustive list and other factors may be taken into account.

6.10 **The Public Interest Test**

If the evidential requirements are met, officers must then consider whether the public interest requires a prosecution. It is not the case that officers will prosecute simply because an offence has been committed. There should generally be a public interest in bringing an offence to Court. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence, or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

6.11 The following factors are examples of factors taken into account when determining public interest:

The seriousness of the offence. In housing terms, for example, this will mean officers looking at the effect of not complying with a Notice.

Whether there was violent or intimidating behaviour on the part of anyone involved during the time of committing the offence.

The vulnerability of the victim of the offence. This is a particularly important consideration when harassment or unlawful eviction has also occurred and the victims are elderly, suffering ill health or disability or it has affected young children.

The history of the offender. In particular, officers will have regard to whether Notices have been served in the past, the response to those Notices and any previous related convictions.

The likely penalty. Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Courts.

Reason for the offence occurring. Although there may be, on the face of it, a breach of the law, there may be a statutory defence available in housing offences. For example failure to comply with a Notice may only be an offence if the person intentionally failed to comply with it. Other factors will also be considered. For example, if the offence results from genuine mistake or misunderstanding these may be factors against prosecution that would be balanced against the seriousness of the offence.

This is not an exhaustive list and other factors may be taken

into account.

6.12 Simple Caution

A simple caution should be used for low level offending. The aims of the simple caution is to deal quickly and simply with less serious offences where the offender has admitted the offence. It will divert offenders where appropriate from appearing in the criminal courts, In addition it will record an individual's criminal conduct for possible reference in future criminal proceedings or relevant security checks, and reduce the likelihood of re-offending.

6.13 When deciding if a simple caution is appropriate the Council must consider whether:

There is a realistic prospect of conviction,

The offender has admitted the offence,

It is in the public interest to use a simple caution as a means of disposal

A simple caution is appropriate to the offence and the offender

The offender must understand the significance of the caution and give his informed consent to accepting the caution.

In addition the Council will have regard to Home Office guidance on administering a simple caution.

7. Legislation

7.1 This section lists the legislation commonly enforced by the Housing Solutions Service and outlines the provisions. It is not an exhaustive list and is not a full statement of the law – it is a summary.

7.2 The Council has a range of enforcement options to address hazards as defined in part 1 of the Housing Act 2004 that can exist in residential premises as follows:

Improvement notices – section 11 and 12 Housing Act 2004
Prohibition Orders – section 20 and 21 Housing Act 2004
Hazard Awareness Notices – section 28 Housing Act 2004
Demolition Order – section 265 Housing act 1985 as amended
Clearance Areas – section 289 Housing Act 1985 as amended
Emergency Remedial Action – section 40 Housing Act 2004
Emergency Prohibition Order – section 43 Housing Act 2004

7.3 The first five options are available for both category 1 and category 2 hazards. The last two are not available for category 2 hazards:

The action the council takes must be the most appropriate course of action in relation to the hazard and have close regard to the Government's Housing Health and Safety Rating System Enforcement Guidance.

- 7.4 In particular, Officers should have regard to advice in the Enforcement Guidance in relation to considering formal or informal action for identified category 2 hazards. The Council will not normally take enforcement action in relation to category 2 hazards. However, the following should be considered by Officers in addition to the Government's Enforcement Guidance;
- 7.4.1 Where a high score band D hazard is identified (800 or above), Officers should consider use of discretionary enforcement powers,
- 7.4.2 Where a number of individual category 2 hazards are identified in one building, Enforcement Guidance relating to Multiple Hazards should be considered in relation to overall safety of that building.
- 7.4.3 Where significant category 2 hazards occur in addition to category 1 hazards in the same building, it is reasonable to take enforcement action in relation to these significant category 2 hazards as well.
- 7.4.4 In exceptional circumstances **and** where agreed by the Head of Private Sector Housing Services or Assistant Director of Housing enforcement action can be taken in relation to Category 2 hazards not covered by the above. However, in all cases, consideration of Enforcement Guidance should be made.
- 7.5 The following table gives a summary of the legislation that the Council can use where appropriate;

Housing Act 2004	This notice may be served when the Council is satisfied that:
Improvement Notices Section 11	A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.
Improvement Notices Section 12	A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.
Prohibition Orders Section 20	A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.
Prohibition Orders Section 21	A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.
Hazard Awareness Section 28	A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.
Hazard Awareness Section 29	A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.

<p style="text-align: center;">Emergency Measures</p>	<p>This action may be taken when the Council is satisfied that:</p>
<p>Emergency Remedial Action Section 40</p>	<p>A Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers and no Management Order is in force. May be taken for more than one Category 1 hazard on the same premises or in the same building containing one or more flats.</p>
<p>Emergency Prohibition Orders Section 43</p>	<p>A Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers and no Management Order is in force. May be taken for more than one Category 1 hazard on the same premises or in the same building containing one or more flats.</p>
<p>Other Measures</p>	<p>This action may be taken when the Council is satisfied that:</p>
<p>Demolition Orders Section 46</p>	<p>A Category 1 or 2 hazard exists in a dwelling or HMO, which is not a flat, and a Management Order is not in force. In the case of a building containing one or more flats that a Category 1 or 2 hazard exists in one or more of the flats contained in the building or in any common parts of the building. For Category 2 hazards, this also has to meet circumstances laid out in an order made by the Secretary of State.</p>
<p>Clearance Areas Section 47</p>	<p>Each of the residential buildings in the area contains a Category 1 or 2 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area. This is as a result of their bad arrangement or the narrowness or bad arrangement of the street. For Category 2</p>

<p>Offences in relation to the Licensing of HMO's Section 72</p> <p>Rent Repayment Order Section 96</p> <p>Interim Management Order Section 102</p> <p>Final Management Order Section 113</p> <p>Interim Empty Dwelling Management Order (EDMO) Section 133</p>	<p>hazards, this also has to meet circumstances specified or described in an order made by the Secretary of State.</p> <p>An offence of operating an HMO without a licence or for failing to satisfy the conditions of the license has taken place without reasonable excuse. This may take the form of revocation of a license and/or prosecution.</p> <p>A HMO is operating without a license or a selective license and notice has not been received to them to notify that particular steps are being taken to no longer require the house to be licensed.</p> <p>A HMO is operating without a license or the license has been revoked but is not yet in force or, in coming into force the revocation will mean that the health and safety condition will be satisfied. In these circumstances where the property is not required to be licensed, an interim management order can be made by application to the Residential Property Tribunal.</p> <p>The house would be required to be licensed or, if not required to be licensed, on expiry of the Interim Management Order for the purpose of protecting the health, safety and welfare of the occupying persons.</p> <p>A dwelling has been wholly unoccupied for a period of at least 6 months, there is no reasonable prospect that the dwelling will become occupied unless an Interim EDMO is made and they themselves have made reasonable efforts to notify the proprietor of the dwelling and to ascertain what steps</p>
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<p>Final Empty Dwelling Management Order (EDMO) Section 136</p> <p>Overcrowding Order Section 139</p> <p>Compulsory Purchase Orders Housing Act 1985</p>	<p>are being taken to occupy that dwelling.</p> <p>The dwelling is likely to become or remain unoccupied, they have taken all such steps as was appropriate to securing the occupation of the dwelling, they have taken into account the interests of the community and the effect that the order will have on the rights of the relevant proprietor and the rights of third parties, may make a final EDMO in respect of a dwelling.</p> <p>Having regard to the rooms available, an excessive number of persons are being or are likely to be, accommodated in the HMO concerned.</p> <p>The local authority may compulsorily purchase a property for immediate resale to a registered social landlord where it is felt that all other actions will fail.</p>
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7.6 Caravan Sites

The Caravans Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) provides the majority of the formal enforcement tools to deal with caravan and mobile home sites (commonly referred to as park home sites).

Operating without a Licence

Section 1 of the amended act makes it an offence for an “occupier” to cause or permit their land to be used as a caravan site without holding a licence for the site. A fine of level 5 on the standard scale can be levied upon summary conviction for an offence under this section.

Compliance Notices

Where conditions on a site licence are breached the Council can serve a compliance notice under Section 9A of the

amended act setting out what conditions have been breached, what steps are required to remedy the breaches and the timescales for compliance. Failure to comply with the compliance notice may result in a fine of level 5 on the standard scale upon summary conviction. Where two or more convictions for non compliance with site licence conditions had occurred prior to conviction then the Council can apply to the Court for an order revoking the site licence.

The Council may carry out works in default under Section 9D following conviction.

Emergency Action

The Council may take emergency action under Section 9E of the amended act where the site operator has failed or is failing to comply with a site licence condition and, as a result of such failure, there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.

Offences by Bodies Corporate

Under Section 26A of the amended act an officer of a body corporate (as well as the body corporate itself) can be guilty of an offence under the aforementioned sections and punished accordingly if proven that the offence was committed with the consent or connivance of the officer of that body corporate or as a result of their negligence.

Further details on how the Council should deal with enforcement in relation to Park Homes can be found in the Historical Breaches Policy and also the DCLG Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime which was due to be published in late 2014.

Harassment or Illegal Eviction of Park Home Residents

Section 3 of the Caravan Sites Act 1968 (as amended by the Mobile Homes Act 2013) makes it an offence for a site owner or their agent to interfere with the peace or comfort of the occupier or persons residing with them or to withdraw/withhold services or facilities reasonably required to occupy the park home as a residence knowing that this may cause them to abandon the unit or remove it from site. A fine not exceeding the statutory maximum and/or up to 12 months imprisonment can be levied upon summary conviction, or on conviction on indictment to a fine and/or imprisonment of up to 2 years.

7.7 Other legislative provisions

The Housing Solutions Service is also responsible for enforcing some provisions within other legislation such as the Public Health Acts 1936 and 1961, the Prevention From Eviction Act 1977, the Building Act 1984 and the Environmental Protection Act 1990.

7.8 Officers should consult with Social Care/Welfare, Tenancy Support, Housing Management Officers, Legal Services, and Housing Options Officers within Housing Solutions as appropriate. This is particularly important for the purposes of determining a suitable approach to enforcement and after-care where there are vulnerable occupants,

7.9 Confidentiality

The Council will at all times strive to maintain the confidentiality of persons requesting its service. However, in the case of prosecution and witness statements, it may be required to reveal the names and addresses of both parties involved in a complaint.

7.10 Monitoring the Policy

To ensure that officers comply with this enforcement policy, a senior officer will check files to ensure that the necessary considerations have been given to a case and that the appropriate documentation is in place on the file

7.11 Ensuring accuracy in taking formal action

Formal action should only be taken where every attempt has been made to ensure that the details relating to the action are correct and accurate. Where there is any doubt, Officers must consult with colleagues and/or managers. Consultation with managers must occur for significant formal action, where any errors may have significant implications for the Council. These requirements are aimed at minimising reputational risks to the Council, minimising risk of delays to the desired action, and minimising potential costs to the Council.

7.12 How to contact us

By telephone You can use the telephone number on any correspondence we have sent, or contact the Housing Solutions Service on 0300 -300-8302.

In person at: Central Bedfordshire Council Offices, High Street North, Dunstable, Bedfordshire. LU61LF

or

Central Bedfordshire Council Offices, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire. SG17 5TQ

By writing to: The Housing Solutions Service, Central
Bedfordshire Council Offices, Priory House, Monks Walk,
Chicksands, Shefford, Bedfordshire. SG17 5TQ