

LICENSING COMMITTEE

- * Councillor Catherine Young (Chairperson)
- * Councillor Keith Witham (Vice-Chairperson)

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| * Councillor Bilal Akhtar | * Councillor Masuk Miah |
| * Councillor Amanda Creese | * Councillor Patrick Oven |
| * Councillor Gillian Harwood | Councillor David Shaw |
| * Councillor Catherine Houston | * Councillor Katie Steel |
| * Councillor Bob Hughes | * Councillor Cait Taylor |
| * Councillor Tom Hunt | * Councillor Dominique Williams |
| Councillor Sandy Lowry | |

*Present

L1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor David Shaw.

L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

Councillor Keith Witham declared a non-pecuniary interest in Item 5.1 'Mobile Home Sites – Licensing Committee Update' owing to having lived on a park home site for 15 years that was licenced. Councillor Witham confirmed that he was entirely impartial on the topic.

L3 MINUTES

The minutes of the Licensing Committee held on 25 September 2024 were agreed and signed by the Chairperson as an accurate record.

L4 ANNOUNCEMENTS

The Chairperson, Councillor Young stated that she wished to congratulate the licensing team on receiving the 'Platinum Animal Welfare Policy and Procedures Award' in the 'RSPCA Pawprints Awards'. The award recognised excellent practices in animal welfare and was presented to organisations who had held gold in one category or more for five years in a row. The link to the article on the Council's website can be found here: [Platinum award win in RSPCA PawPrints Awards - Guildford Borough Council](#).

L5 MOBILE HOMES SITE - LICENSING COMMITTEE UPDATE

The Committee received an update from the Private Sector Housing Manager, Sean Grady on Mobile Home Sites. The Committee noted that the report covered how the Council and its licensing regime managed mobile homes and provided an overview of the services available. It also detailed the legislation; the guidance

and how mobile homes sites were licenced and were engaged with the fit and proper regulations.

The report did not go into any specific details regarding the enforcement of particular sites. Enforcement was a wide-reaching term and encompassed anything from prosecution to notices. It was important to note that specific sites could not be discussed publicly. However, members could always ask the Private Sector Housing Manager directly, outside of the Committee setting, regarding any concerns they had. There was an interconnection between housing and planning and therefore some of the queries raised may need to be deferred to the planning department.

The Committee noted that the Private Sector Housing Manager had received some queries from Councillor Vanessa King:

“I note that the report (para 5.1) cannot update the committee on sites that do not have a licence granted or are still pending with applications. Is that information available elsewhere? If not, can it be provided at a later date? It think it would be helpful to understand the wider situation.”

The Private Sector Housing Manager confirmed that a site that did not have a site licence granted, was a similar question to one that might need enforcement. To list specific sites would be the same as listing specific enforcement that might be needed or could be considered. If any councillor had a question about a site that should have a licence, they were advised to notify the Private Sector Housing Manager so that the matter could be investigated further, in liaison with the planning department. The licensing of a mobile home was a two-step process. First of all, the site had to have planning permission so that the correct legal mechanisms were in place to actually issue a site licence. Sites that did not have a licence or if a licence was not needed, probably was not a matter for housing, but one for planning. Therefore, it might not be that a licence was not needed but that planning permission might be needed for some other reason. Pending applications could be contentious and listing those sites was not appropriate in a public forum. Individual concerns would be investigated on a case-by-case basis.

“Para 20.1 E&D Implications. Is there no implication here for traveller communities? Are they covered elsewhere?”

The Private Sector Housing Manager confirmed that some of the travelling community sites are licenced sites. The report was an update and did not have any direct equality and diversity implications for traveller communities.

“A list of locations would be appreciated.”

The Private Sector Housing Manager confirmed that there was an online register of licensed sites for both recreational and residential: [Check the register - Guildford Borough Council](#).

Councillor Witham who had originally asked for this item to be added to the licensing agenda thanked the Private Sector Housing Manager for bringing the update report owing to it being relevant and very important for a lot of the residents in the borough. The Committee noted that a lot of councillors would be interested to have read that there are 60 licenced sites across the Guildford Borough area, 47 residential sites and 13 holiday sites. This represented approx. 1000 residents overall. Caravan sites were the legal definition and then changed following the mobile Homes Act in 2013. An assumption which was often made was that people who lived on mobile home sites and caravan sites were travellers. This was not the case at all. A lot of the residents of permanent residential sites had downsized from bricks and mortar properties and had bought their homes as permanent residential homes. These were more akin to bungalows and technically prefabricated. They were delivered to site by lorry and had wheels to trundle them onto their pitch. Legally, they had to have wheels left on so that they were technically mobile. In practical terms they were residential permanent homes which was important for people to recognise given the number of individuals and sites that were occupied by actual travellers which was very small. All of the park home sites, usually referred to by the residents as park homes, were privately owned and purchased as private residential dwellings. Confirmation was sought by Councillor Witham of the details of each of the site licences and also the site rules, which should be made available on the Council website as well as a link to the listing of the licensed sites and requested for these to be emailed to all members of the Committee for future reference. In terms of non-licenced sites, where there was a small site and it was only occupied by members of one family, it did not need to be licenced. It was requested however, if it could be outlined for clarity purposes the other reasons why a site did not need to be licensed.

Councillor Witham further noted a disconnect between the Council’s licensing department and private sector homes, because it was a licensing issue, but the responsibility also rested with private sector homes. Councillor Witham received assurance by the Private Sector Housing Manager that the topic would be referred to in future Licensing Annual Reports as it had not been the case previously.

The Private Sector Housing Manager confirmed that there were currently 60 mobile home sites. The housing legislation was drafted in the 1960's with the most recent update made in 2013. It was confirmed that there were different types of site occupation, varying from recreational to residential. An online register of sites was available, and the link would be sent to all councillors by email. With regard to site rules, there was not a direct mechanism for the Council to demand them. However, if the site rules were varied or changed, then the Council should be in receipt of them. When the Council is made aware of a variation to site rules, which represented an agreement between the managers and the residents of the site, they are then added to the register. There are a lot of exemptions in place with regard to whether or not a site required a licence and are listed in the first schedule of the 1960 Act for example, a person travelling with a caravan for one or two nights or the use of holdings of 5 acres or more. There was also a separate schedule of exempted organisations such as sites for agriculture and forestry workers as well as travelling showmen.

In relation to the juxtaposition mentioned between private sector housing and the licensing regime of mobile homes, this was owing to the main function of the Housing Act 2004 that was used to assess private homes. This would relate to someone renting a home and owner occupiers where applicable. The Council tried to not get too involved in owner occupier issues, unless they were causing an issue for a neighbour or there was a real concern about the person living there. This did not apply to mobile homes and visits were not undertaken to a mobile home as part of the licensing regime. However, there was other legislation that could be applied to the management of the overall facilities and oversight of the wellbeing of the residents onsite. In such cases, the Environmental Act and Public Health Act applied. However, Part One of the Housing Act did not apply to individual units. The licensing regime was more about site safety, ensuring there was fire, electric and gas safety as well as road safety and lighting which could also be tied into the planning process. A planning application would mirror the requirements of that as well. The requirements in the licensing regime were those within the model standards which could not be deviated from as that was how conditions were constructed.

Councillor Witham asked if the site rules could be kept up to date, as far as possible on the Guildford Borough Council website. When a prospective purchaser of a park home was looking at buying their park home, if that information was available on the Council's website, albeit supplied by the park site owner, it was then publicly available for people to check what site rules they were signing up to.

Councillor Bob Hughes stated that it was his understanding that site rules had to be displayed at the site itself. It was queried whether the Council put pressure on site owners to display those rules. Currently, when the inspection was more around the licence and the compliance with it, the Council was more focussed on the issue of mobile homes having been placed where they should not be sited.

The Private Sector Housing Manager confirmed that the Council did not have many powers to enforce the display of site rules on mobile home sites. However, the residents of mobile home sites did have the power to do that and request for them to be displayed. The Council could also ask site owners as part of its inspection if the site notice could be displayed as well as via the property tribunal system.

Councillor Bob Hughes referred to a specific query in relation to the Edgeley Park site, Albury, which was in his ward. He had asked a question at full Council in July 2022, prior to becoming a Guildford Borough Councillor. In relation to the answer given by officers at the time, it was clear that the owners who had just become the new owners of that site, had not informed the Council. They subsequently did inform the Council but only at the request of the Council. There are now further new owners and Councillors Hughes wished to confirm if they had informed the Council. The Private Sector Housing Manager confirmed that he would look into this query outside of the meeting.

Councillor Hughes also stated that a number of serious complaints had been raised with the Council over time about the owners, now the previous owners of Edgeley Park. There are also complaints about the new owners. The Council had advised Councillor Hughes that this was a matter for the licensing authority. However, in the report it refers to a fit and proper person and states that it did not relate to every site in the Borough. It was questioned whether it related to holiday sites and whether it was more permanent sites that were owned and occupied by people who formed more than one family.

The Private Sector Housing Manager confirmed that the things the Council looked at were prescribed such as adequate financial arrangements and a DBS for the named manager to ensure that they were not disposed to criminality.

Councillor Hughes stated that in the answer he was given by officers in 2022, was that Haulfryn, who were the owners at the time, confirmed that there were no permanent residents in their holiday park. The Case Officer had also visited the site and inspected the database of lodge owners documents confirming their

alternative primary residence. Councillor Hughes stated that this was not true as he had lived on the site and knew of a lot of people who had lived onsite for at least 25 years and had never been asked for any documents whatsoever. Councillor Hughes believed there to be approx. 60% of people living in the lodges as residents. It was therefore questioned what the Inspectors looked at when they visited the site because if they had of seen every record, they would have identified significant gaps.

The Private Sector Housing Manager confirmed that given this was a specific case, he would look into it separately outside of the Committee and liaise with Councillor Hughes. It was confirmed that more generally if there were allegations of people staying permanently on a site which did not have planning permission then action could be taken. However, the Council did not have the resources to literally sit outside every dwelling and observe the comings and goings of holiday homes. Evidentially therefore the Council was reliant upon on the records provided by the site owners. As long as satisfactory evidence was shown that they had done as far as was reasonably practicable to assess that they were in compliance with their licence, this was viewed as acceptable. However, given the concerns raised by Councillor Hughes, including additional breaches of the licence, this would be looked at further by the Private Sector Housing Manager.

In relation to the fit and proper test, it was queried if it applied to holiday sites, for the manager to be a proven fit and proper person. The Legal Advisor, Kate Gillman confirmed that to be a proven fit and proper person, the Mobile Homes (Requirement for Manager of site to be a fit and proper person) (England) Regulations 2020 applied to residential parks which were exclusively residential and mixed-use parks which were both residential and for holiday purposes.

The Committee queried whether there was any ongoing revenue for the Council such as council tax being charged to residents and did the Council collect the bins from those site or was that managed privately? The Private Sector Housing Manager confirmed that an annual fee was charged to sites and the Fit and Proper application was due every 5 years and covered inspections. The enforcement work undertaken was part of the normal duties undertaken by the Council. It was also confirmed that the Council did collect the bins from these sites as well as charging Council Tax.

The Committee queried whether the wards were specified for each of the 60 licensed mobile home sites detailed in the online register. The Committee agreed that it would be very useful to include such information which the Private Sector Housing Manager committed to do.

The Committee noted that one of Council’s Corporate Strategies was to provide decent and affordable homes for residents and tenants. The Private Sector Housing Manager confirmed that this core strategy was referred to in the report and central to it.

The Committee lastly noted that residents at park homes paid Council Tax in Band A which would have related to 1991 costs when the last evaluation was done and equated to £40,000. A lower council tax fee was therefore a benefit to those residents.

The Committee noted the update report on Mobile Home Sites and endorsed the actions following from the queries raised.

L6 LICENSING COMMITTEE WORK PROGRAMME

The Committee discussed and noted its work programme with no comments. The meeting finished at 7.45 pm

Signed

Date

Chairman

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